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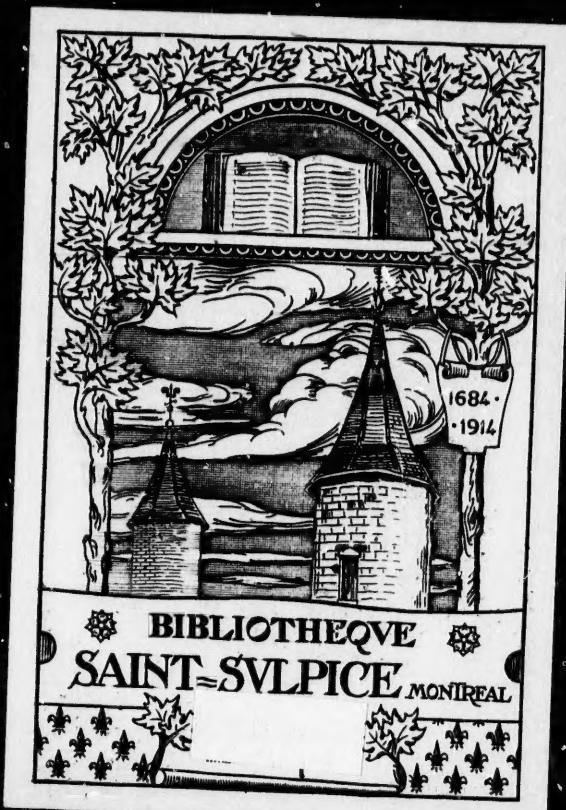
**PARLIAMENTARY REGISTER**

OF

**LOWER-CANADA,**

**FOR 1818.**

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# Parliamentary Register

OF

## LOWER-CANADA,

FOR

### THE YEAR 1818.

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CONTAINING THE DEBATES ON VARIOUS SUBJECTS  
IN THE HOUSE OF ASSEMBLY.

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### VOLUME I.

(NUMB. 2.)

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## ANSWER HINT

**CONTAINING THE DECREES OF VARIOUS SUBJECTS  
IN THE UNION OF TURKEY.**

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# Parliamentary Register.

58 GEO. III. A. D. 1818.

## SECOND SESSION OF THE NINTH PROVINCIAL PARLIAMENT OF LOWER CANADA.

WEDNESDAY, 7th JANUARY, 1818.

HIS Excellency Sir JOHN COKE STERBROOKE, K. G. C. B.  
Governor in Chief &c. &c. &c. on the opening of the Ses-

sion this day, made the following speech:

Gentlemen of the Legislative Council,

Gentlemen of the House of Assembly,

When I met you in General Assembly at the opening of the last Session, it was my painful duty to represent to you the distresses which the inhabitants of several Parishes in this District, were at that time labouring under, from the failure of the Harvest. It is therefore with peculiar satisfaction that I have now the pleasure of stating (from the best information I have been able to procure) that the liberal provision then made by the Legislature, not only for the immediate relief of the sufferers, but also for furnishing the husbandmen with Seed Wheat and other Grain, necessary for the ensuing season, has, by the blessing of Divine Providence, been attended with the happiest consequences, and there is every reason to hope that the produce of the late Harvest will prove more than sufficient for the consumption of the present year.

This assurance of the important services you have thus rendered to a great number of your fellow subjects, will, I doubt not, be as gratifying to you, as it is satisfactory to me.

Although some parts of the Internal Communications, for which such liberal provision was made during the last Session, have been carried on much to my satisfaction, there are others, I am sorry to say, that are still in a very different state, in consequence of the difficulties and delays which occurred in many parts of the Province, on the first attempting to carry the Act into execution. These impediments will, I trust, however, be surmounted, and as only one half of the sum voted could be expended during the last Summer, I am willing to hope that the whole of the Plans which have been approved, will be executed during the approaching season.

With respect to the Agriculture of the Province, (though still very defective) I have reason to believe it to be in an improving state, and I feel assured that you will afford every encouragement to its further advancement.

Should the emigration from Europe continue, it might be a matter worthy of consideration, how far it would be advisable to hold out some inducement to a few good farmers or labourers to settle in this Province. If persons of this description were judiciously selected and located, their example would be useful in introducing an improved system of agriculture in this country.

I have received the commands of His Royal Highness the Prince Regent, to call upon the Provincial Legislature to vote

the sums necessary for the ordinary annual expenditure of the Province. These commands will, I am persuaded, receive from you that weighty consideration, which their importance deserves.

Gentlemen of the House of Assembly,

In pursuance of these directions, which I have received from his Majesty's Government, I shall order to be laid before you, an estimate of the sums which will be required to defray the expences of the Civil Government of the Province during the year 1818, and I desire you in his Majesty's name to provide in a constitutional manner, the supplies which will be necessary for this purpose.—I shall also order to be laid before you the Accounts of the Public Revenue and expenditure for the last twelve months, by which you will be enabled to ascertain the means of supply that are at your disposal; and I anticipate with confidence a continuance of that loyalty and zeal for His Majesty's service on your part which I have hitherto experienced, and a ready execution of the offer which you made on a former occasion to defray the expences of His Majesty's Provincial Government, with a liberality that did you honour.

Gentlemen of the Legislative Council,

Gentlemen of the House of Assembly,

The amount which has been ascertained to be due from this Province to Upper-Canada, for the proportion of Duties upon Goods, &c. which have passed through the Lower Province into the Upper, has been paid over to the persons authorised on the part of Upper-Canada to receive it.

The Report of the Commissioners appointed by an Act of the last Session, to treat with those of Upper-Canada for the formation of a new provisional agreement between the Provinces, will be laid before you in conformity to the provisions of that Act, previous to its being carried into execution.

In calling you together to deliberate on the measures best adapted to advance the interests of the people whom you represent, I need assured that those deliberations will be guided by the same principles of loyalty, and the same dispositions of mutual confidence and good will, which you evinced in your last Session, and while on my part I shall be anxious to give my ready assistance to every measure which shall have for its object the good of the Province, I cannot doubt that with such feelings on all sides, the result of this Session will be at once honorable to you and useful to your Country.

Mem. The Honorable Mr. De Salaberry and William Burns took their Seats this day in the Legislative Council, pursuant to His Majesty's Mandamus.

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5] PARL. REGISTER, 58 GEO. III. 1818.—Address *House of Assembly to Govr. in Chief.* [4

SATURDAY, 10th JANUARY, 1818.

This day the Speaker, attended by the Members of the House of Assembly, went up to the Castle of St Lewis with the following Address to His Excellency the Governor in Chief:

To His Excellency

Sir JOHN COAPE SHERBROOKE,

**KNIGHT** Grand Cross of the most honorable Military Order of the Bath, Captain General and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and their several dependencies, Vice Admiral of the same, Lieutenant General and Commander of all His Majesty's Forces in the said Provinces of Lower Canada and Upper Canada, Nova Scotia, and New Brunswick, and their several dependencies, and in the Islands of Newfoundland, Prince Edward, Cape Breton and Bermuda, &c. &c. &c.

May it please Your Excellency,

We His Majesty's most dutiful and loyal Subjects, the Commons of Lower Canada, in Provincial Parliament assembled, beg leave to return to Your Excellency our humble thanks for your gracious Speech from the Throne.

At the last meeting of the Provincial Parliament, it was the painful duty of Your Excellency to represent to us the distresses which the Inhabitants of several parishes in this District were at that time labouring under, from the failure of the Harvest, we now participate in the satisfaction experienced by Your Excellency, in acquainting us, that from the information your Excellency has been able to procure, the measures adopted by the Legislature have produced not only the immediate relief of the sufferers, but have also furnished the Husbandmen with Seed Wheat and other Grain necessary for the ensuing season: That by the blessing of Divine Providence, these measures have been attended with the happiest consequences; and that there is every reason to hope, that the produce of the late Harvest will prove more than sufficient for the consumption of the present year. The assurance of having rendered important services to a great number of our fellow subjects, occasions to ourselves the same satisfaction as it does to Your Excellency.

In the same manner do we participate in the satisfaction which Your Excellency derives from the successful results which have partially attended the measures adopted by the Legislature, for improving and facilitating communication in the interior of the Province, while we regret with Your Excellency, that difficulties and impediments should have occasioned delay in the execution of the Act; but we have also to hope, that these obstacles will be surmounted. Experience will contribute to the production of this result; and we may indulge the hope, that the Plans approved, will be executed during the present year.

With respect to the Agriculture of the Province, its condition however imperfect in many respects, has of late years materially improved. This circumstance authorises the hope, that means for its advancement judicially combined, might accelerate the production of its resources. And we shall ever feel disposed to co-operate in measures having for that object this useful end. Should the Emigration from Europe continue, it might be a matter worthy of consideration how far it would be advisable to hold out some inducement to a few good Farmers to settle in this Province. A judicious selection from amongst persons of this description, might render their example useful, and contribute to improve the system of Agriculture in this Province. Your Excellency, in communicating to us the commands you have received from His Royal Highness the Prince Regent, to call upon the Provincial Legislature to vote the sums necessary to defray the ordinary Annual Expenditure of the Province, rightly entertains the persuasion, that the subject will receive from us that mature consideration which its importance deserves.—Your Excellency may rest assured of the desire of the Commons of Lower Canada to apply their most serious attention to the Estimate which Your Excellency purposes to lay before them of the sums that will be required to defray the civil expenditure of the Government of the Province during the year one thousand eight hundred and eighteen; and may also rest assured of their desire to provide in a constitutional manner, the supplies necessary for this purpose.

We shall, in like manner, apply our attention to the Public Revenue and Expenditure of the last twelve months, in order to enable ourselves to ascertain the means of supply which are at our disposal.

Your Excellency has done us justice in expressing your confidence in our loyalty and zeal for His Majesty's service, and in expressing your hopes of our fulfilling during the present Session, those offers which a sense of duty and gratitude heretofore impelled the Commons of this Province to make, of defraying the civil expenditure of His Majesty's Provincial Government.

We have learnt with satisfaction, that the amount which has been ascertained to be due from this Province to Upper Canada, for the proportion of Duties upon Merchandise conveyed hither through this Province, has been paid over to the persons authorized on the part of Upper Canada, to receive it;

We shall give all that attention which Your Excellency has a right to expect, on our part, to the Report of the Commissioners appointed by virtue of an Act passed in the last Session, to treat with those of Upper Canada, for the formation of a new Provisional Agreement between the Provinces, which will be laid before us in conformity with the Provisions of that Act, previous to its being carried into execution.

In calling us together to deliberate on the measures best adapted to advance the interest of the people whom we represent, Your Excellency may feel assured, that we shall ever guide our deliberations by the same principles of loyalty, and the same dispositions of mutual confidence which we evinced in our last Session, and which Your Excellency in your Speech is pleased to acknowledge. We feel secure of the continuance of your disposition to give us assistance in rendering effectual every measure which shall have for its object the good of this Province; having already derived from those dispositions such happy results under Your Excellency's paternal administration. Under such auspices we have to augur consequences most beneficial to our Country, observing every measure of Your Excellency to be governed by the principles of equity, and by those of a Constitution and a Government which are founded on the base of the public welfare.

To which Address His Excellency was pleased to return the following Answer:

*Gentlemen of the House of Assembly,*

Accept my best thanks for this Address; the desire you therein express to provide in a constitutional manner the supplies required for the year 1818; and your assurance of taking into consideration the other objects to which I have called your attention demand my acknowledgments.

And I feel confident that you will discharge the very important duties you are called upon to perform, in such a manner as cannot fail to gratify my wishes, and conduce to the welfare of the Province,

*Address of the Legislative Council to the Governor in Chief.]* This day the honorable the Legislative Council went up to the Castle of St. Lewis, and presented the following Address in answer to His Excellency's Speech at the opening of the present Session.

To His Excellency

Sir JOHN COAPE SHERBROOKE, Knight Grand Cross of the Most Honorable Military Order of the Bath, Captain General and Governor in Chief, in and over the Provinces of Lower Canada, Upper Canada, Nova-Scotia, New-Brunswick, and their several Dependencies, Vice Admiral of the same, Lieutenant General and Commander of all His Majesty's Forces in the said Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and their several dependencies, and in the islands of Newfoundland, Prince Edward, Cape Breton and Bermuda, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCE,

We, His Majesty's dutiful and loyal Subjects, the Legislative Council of Lower Canada, in Provincial Parliament assembled, beg leave to return Your Excellency our humble thanks for your Speech from the Throne.

We participate most sincerely with Your Excellency in the satisfaction arising from a knowledge, that the liberal provision which was made in the last Session for the relief of the distressed Parishes in this District, has, by the blessing of Divine Providence, been attended with the happiest consequences:

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And that there late Harvest will of the present Year.

It is but justice thus been rendered originated in the by your Excellency the destitute state, the humanity were involved.

We are aware in determining the very liberal nature for the inhabitants. And though many parts of the will be surrounded by the flattering F

season, the whole will be carried into effect.

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And that there is every reason to hope, that the produce of the late Harvest will prove more than sufficient for the consumption of the present Year.

It is but justice to acknowledge, that the services which have thus been rendered to a great number of our fellow subjects, originated in the wise and humane precautions that were taken by your Excellency, from the moment you were informed of the destitute state in which so large a proportion of the community were involved,

We are aware, that numberless difficulties must have arisen in determining upon the most advantageous mode of applying the very liberal Funds that have been provided by the Legislature for the improvement of the Internal Communications. And though difficulties and delays unavoidably occurred in many parts of the Province, we trust, that these impediments will be surmounted: And we anticipate with Your Excellency, the flattering prospect, that in the course of the approaching season, the whole of the plans which have been approved will be carried into execution.

We are sensible of the advantages that must arise from any improvement in the state of Agriculture in this Province; and should the Emigrations from Europe continue, we shall gladly facilitate, as far as may be in our power, the introduction into the Colony of such experienced Farmers and Labourers as may, by their example, contribute to the advancement of its Agricultural Interests.

The Commands of His Royal Highness the Prince Regent, directing Your Excellency to call upon the Provincial Legislature, to vote the sums necessary for the ordinary Annual Expenditure of the Province, will receive from us that dutiful attention which the great and serious importance of the object they relate to, requires.

It is satisfactory to us to learn, that the amount which has been ascertained to be due from this Province to Upper Canada, for the proportion of Duties upon Goods which have passed through the Lower Province into Upper Canada, has been paid over to persons authorised to receive it.

We shall not fail to give our attention to the Report of the Commissioners appointed by an Act of the last Session, to treat with those of Upper Canada for the formation of a new provisional agreement, whenever your Excellency shall be pleased to cause the same to be laid before us.

In deliberating on the measures best adapted to advance the interests of our fellow subjects in this Province, it will be our earnest wish to be guided by the same principles of loyalty, and the same dispositions to mutual confidence that have heretofore obtained your approbation; being sensible, that in so doing, we shall secure the important advantage of Your Excellency's assistance in every measure that has for its object the public good; and that with such feelings on all sides, the result of this Session cannot fail of being useful to our country, and honorable to ourselves.

TO WHICH HIS EXCELLENCY WAS PLEASED TO MAKE THE FOLLOWING ANSWER,

GENTLEMEN,

It is with much satisfaction that I receive your loyal Address; and I have to return my best thanks for the sentiments you have expressed in it.

Entertaining no doubt of your patriotism and zeal for the general good, I am also persuaded, that the public business will be conducted by you with diligence and attention. And I shall look forward to the happiest effects from your assistance; on which I shall confidently rely.

HOUSE OF ASSEMBLY.

WEDNESDAY, 14th January, 1818.

Mr. Davidson rose in his place and submitted to House certain Provisional articles of agreement with Upper Canada relative to duties and drawbacks to be reciprocally allowed to each Province, which are as follow:

1st. That the Legislature of Upper Canada will not impose any duties whatever, on any goods, wares and merchandises imported into Lower Canada, and passing into Upper Canada during the continuance of this agreement, but will allow and admit the Legislature of Lower Canada to impose and levy such Duties, on such goods, wares and merchandizes, as they

may judge expedient: other than goods imported from Upper Canada.

2d. That during the continuance of this agreement, the Province of Upper Canada shall be intitled to receive annually, one fifth part of all the Duties (exclusive of the expence of collection) which shall be raised, levied and collected in Lower Canada under and by virtue of an Act of the Parliament of Great Britain passed in the fourteenth year of His Majesty's Reign, intituled, "An Act to establish a fund towards further defraying the charges of the administration of Justice, and support of Civil Government within the Province of Quebec in America." And also one fifth part of all duties, (exclusive of the expence of collection) which the Legislature of Lower Canada have already imposed, or may hereafter import on goods, wares or merchandizes imported, or to be imported into Lower Canada during the continuance of this agreement, provided nevertheless that this agreement, shall not be construed to extend to duties laid upon goods, sold at Auction in Lower Canada as aforesaid.

3d. That the operation of this agreement shall be considered to commence on the first day of January last and shall be in force until the first day of July, which will be in the year of our Lord, one thousand eight hundred and nineteen.

Mr. D. at the same time gave notice that it was his intention to move the House on Friday next, on the expedience of presenting an Address to His Excellency the Governor in Chief, praying that His Excellency will be pleased to lay before the House a copy of the memorial of the Assembly of Upper Canada to His Royal Highness the Prince Regent—it is stated to the House, that the Commissioners appointed for the purpose aforesaid, by an Act of the Legislature in the last Session had met the Commissioners from Upper Canada at Montreal, with whom they had not, until after several earnest conferences agreed upon the articles now submitted to the consideration of the House. He Mr. D. had not been present at the conferences at Montreal, but he had afterwards met the Gentlemen appointed on the part of Upper Canada, at Quebec, and he was sorry to say, that he could not acknowledge to have found in them that favorable disposition to accommodation, which from the liberality of the Legislature of this Province might reasonably have been anticipated.—He would nevertheless refrain from any further comments upon the subject for the present, and be content with moving for leave to introduce a Bill to ratify and confirm the same.

And he accordingly moved for leave to introduce the same. The Bill was introduced and read for the first time, and ordered for the second reading on the 24th instant.

Mr. Andrew Stuart presented a Petition, from John Neilson and divers Electors of the County of Quebec, against the Election and return of James McCallum, Esquire, for bribery and corruption of the grossest nature.

Mr. Stuart observed that it was not necessary at the present stage of the Petition to occupy the time of the House in observations on the nature of the offenses which it had fallen to his duty to lay before the House. They were of a nature to interest every Member of the Legislature and of the Country at large. To wink at such proceedings would be criminal in the extreme, as their tendency must necessarily be, to render seats in that Honourable House venal, and by that means convert the House of Assembly into something like a *Packed Jury* instead of an important Branch of the Legislature—He would upon a future occasion, enter more largely on the subject than he thought necessary to do at the present moment.

Mr. Viger observed that he would not prejudge the affair in question inasmuch as he was entirely ignorant of the occurrences in question, but, if the Facts such as represented on the face of the Petition were true, they amounted to an enormity such as he was confident had never been exhibited in this Province.

Few observations were made in the House on the subject; probably from the surprise created by the nature and enormity of the Facts exhibited on the Petition, as well as from a sense of the propriety of suspending all opinion until after an enquiry on the Subject, which on motion of Mr. A. Stuart was fixed for the 6th February next.

Mr. Cuviller, rose in pursuance of notice which he had given on Saturday last, of his intention to accuse the Honorable Member of the County of Bedford (Mr. McCord) of bad faith, in

having surprised the House in the last Session in passing the Bill, for regulating the Police of the Cities of Quebec and Montreal and the Town of Three Rivers. It must at all times be a most unpleasant duty to accuse, but he felt convinced that it was due to the House and to the Country to go into an enquiry upon the Subject in question, in order that their Constituents might have some explanation of the extraordinary oversight of the House in allowing a Bill of such an important nature to pass into a permanent Law. The Honorable Member whom he intended to accuse of surprise, had introduced the Bill and had conducted it through the various stages of its progress in the House, which he must have known never intended it to become a permanent Law. He should therefore in candor and in good faith have apprised the House or the Special Committee to which the Bill had been committed, of his intention of making it a permanent Act, or he ought to have directed the Officer appointed by the House for preparing the Bill, to have as heretofore used, inserted a Clause limiting the duration of the Bill, leaving it to the House to retrench that clause if it should be the sense of the House to make it a permanent Law.—Neither of these precautions had, as he should hereafter prove, been taken by the Honorable Member in question.—Mr. Cuvillier in his place then accused "Thomas mas McCord, Esquire, one of the Members of that House for the County of Bedford of having willingly and knowingly acted with bad faith and surprised the House in the introduction and passing of an Act during the last Session, intituled, "An Act more effectually to provide for the regulation of the Police of the Cities of Quebec and Montreal and the Town of Three Rivers, and for other purposes therein mentioned."

Mr. Cuvillier then moved that the House do resolve itself into a Committee of the whole on Monday the 26th January instant to enquire by evidence whether Thomas McCord, Esquire, one of the Members of this House hath not knowingly and wilfully used bad faith and surprise with respect to this House, in the manner wherein he introduced and carried through last year a Bill intituled, "An Act more effectually to provide for the regulation of the Police of the Cities of Quebec and Montreal and Town of Three Rivers and for other purposes therein mentioned.

Mr. Viger said he did not think himself justifiable in remaining silent on the present occasion, where a sense of duty urged him to explain the reasons which he thought ought to determine the House to adopt the enquiry proposed. The Honorable Member for Bedford was attacked: he was accused of having wilfully deceived the House, and thereby the whole Legislature which had acquiesced in rendering an Act perpetual, till that period temporary, and which indeed was not of a nature to be made a perpetual Law, without even shewing the necessity, or apprising the Members composing the House, of so important an alteration in the nature of the Bill. He maintained that an enquiry was absolutely necessary as well for the justification of the Member accused, as for that of the House in the supposition which he might reasonably entertain, that the omission of the clause limiting the duration of the Act in question might have been, no more than an involuntary and innocent oversight on the part of the Honorable Member who last year had introduced the Bill.

After having enlarged upon this subject, he dwelt for some time upon the responsibility incurred by Members introducing Bills, who ought to be guided by the strictest principles of honor and good faith, and on all occasions to avoid any thing like surprise upon the House. The delicacy of their situation was such, that they were responsible for every error committed through their fault or neglect, and were liable to censure in every instance in which they might fail in these respects. He observed that without this responsibility of Members towards the House, there must be an end to all business, that it would be impossible to carry on the public affairs, and the result must evidently be the greatest of disorder. That the springs of government must without this mutual good faith in Members be broken. The Laws calculated to maintain the authority of Government and the Liberty of the People, to secure the dominion of justice, and the public happiness, would soon become the scourge of society, as they would be the fruit of intrigue, of levity of dishonesty and corruption,

He said there ought not to be a moment's hesitation on the subject. The Honor of the House, that of the Member accused, and of the accuser, equally imposed upon them the necessity of recurring to an enquiry. That if the charge were well grounded, it would, by failing upon the Delinquent rescue those from the injurious imputation of having participated in a fault, who were in some shape only the victims of it. While on the other hand allodium suspicion might be removed if it were made apparent that the omission which had given rise to the accusation, were merely the result of an error which circumstances might in some manner palliate.

Mr. McCord, rose to say that after having, he trusted, hitherto maintained an unsullied reputation among his fellow Citizens, it could not but be to him extremely painful to hear himself at this advanced period of life, charged with the guilt which the Honorable Member for the County of Huntingdon (Mr. Cuvillier) had imputed to him; his conduct in carrying through the Bill had been fair and upright; and his heart—his conscience thoroughly acquitted him of any fraud or deception upon that House, which upon investigating his conduct in that respect would he feel confident, honorably acquit him of any such imputation. The accusation he said was false, malicious and unjust.—He anxiously desired an enquiry into the subject in order that he might prove it so, and rescue his Character from the odium which a public accusation must necessarily create. As to the Honorable Member who spoke last, though he entertained the highest opinion of his honor, he always had differed with him in his political Principles.

Mr. Vanfelson wished for further information on the facts of the subject, as well as on the mode of proceeding, which the Honorable Member of Huntingdon, had just now proposed, he acknowledged himself to be utterly unacquainted with it, and would feel extremely obliged to the Honorable Member for Parliamentary precedent on the subject, which was to him novel. It would be satisfactory to Members to learn from the Honorable Gentleman what were the facts upon which he relied for the support of his accusation, and whether in the event that these facts were true it would be constitutional to censure the Honorable Member in question. To accuse an individual of that House of *bad faith* was he apprehended a charge rather too indefinite for the House to proceed upon, and he conceived it to be preposterous to accuse a single Member for the passing of a Bill, however dangerous or absurd such Bill might be in principle; the tendency of such a doctrine would be to shift the whole responsibility of the House from itself upon the shoulders of an individual; it would in fact be charging that individual with the responsibility of the Legislation of the Province. He (Mr. Vanfelson,) was not disposed to blame the Member alluded to, for the passing of the Police Act, which he regretted to find had contrary to the general sense of the House been made a perpetual Law, but he rather blamed himself in having allowed it to escape his notice while on its progress through this House. The remedy was however, far from being a difficult matter, it was only to introduce another Bill to limit the duration of the Act in question.

Mr. Taschereau was of opinion that the accusation was entirely too vague and indefinite to proceed upon with any prospect of precision. The charge, as far as it related to the passing of the Act in question, could not exclusively apply to the Honorable Member in question. The fault, if any, rested with the whole House, in having passed it without opposition or comment. The *bad faith* imputed to the Hon. Member, could not, he conceived, properly become the subject of an impeachment or an expulsion. To do so, would be to punish an individual for a bare operation of the mind; in other words, to harass a Member for his opinion, which, whatever it might be, should not on any account be imputed to him as criminal. No man should, by bare implication, be considered as culpable of an offence laid to his charge. It was owing to this summary mode of condemning, by implication, people

charged of treason, which have often acts against the greater part of the motion, of the mission of the inquiry by evidence consider," as was observed, that subject, which for both parties the consequence or other of the from the recipient had accused, by any thing respect to the

Mr. Viger had insinuated motives rather than in justice, interests or his moment's reflection who had thrown Hon. Member innocent of the obliged to the could retrieve it stood mark without some trial upon the question whether it would be the means of cased and the

Twenty years ago the motion of first introduced where it originated objects comprised for the various It was required to the authority those acquainted was the result of that the like had as a number of those Cities the administration contained in the Constitution moved from districts of legislating in contravention to the principles of the legislature incompatible.

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charged of treason and other supposed crimes, that so many struggles have taken place in England between the people and the rulers, which have ended in establishing the necessity of proving *strict acts* against those accused of such offences. In fact, if we advert to the horrors of the French Revolution, we shall find that the greater part of the executions which took place under the sanguinary regime of the leaders of that period, were merely for opinion. That those French denunciators, or public accusers, had shown themselves the most intolerant of tyranny, and that he would always oppose the introduction of any such tyrannical system into this Province. Mr. Taschereau made some objections to the form of the motion proposed by Mr. Cuvillier, which the latter, by permission of the House, amended, substituting the words "to enquire by evidence," (as in italics in the motion) instead of "to consider," as when first presented to the Chair. Mr. Taschereau observed, that as it was now proposed to go into evidence on the subject, which might tend to bring out facts, he thought it but fair, for both parties, that the House should take up the subject, and let the consequence rest where it ought. Expulsion or censure, of one or other of the parties, must ensue, as he might reasonably infer, from the reciprocity of charges with which the Gentlemen in question had accused each other. He, however, by no means intended, by anything he had said, to draw any odious comparison with respect to the Hon. Member who had moved the measure.

Mr. Viger observed that the honourable Member accused, had instigated that he (Mr. V.) had been guided by political motives rather than by principles of justice. He answered that in public measures he had invariably made it a rule to lay aside all considerations of a personal nature. He might indeed occasionally err, but he trusted that his fellow Citizens could not in justice, upbraid him with having ever sacrificed their interests or his duty from prejudice or from passion. That a moment's reflection would convince the honourable Member who had thrown out the insinuation of the injustice of it—it the Hon. Member were (as he trusted he might prove himself) innocent of the accusation, he ought rather to feel himself obliged to those who insisted upon an enquiry which alone, could retrieve his character from the opprobrium with which it stood marked on the Journals of the House, and which without some satisfactory explanation must remain as a perpetual blot upon it—What was to be done? would not the rejection of the motion amount to a denial of justice, would it not be the means of shutting the mouth of the Hon. Member in question who would thereby be precluded from obtaining justice. It would be equally unfair both with respect to the accused and the Country.

Twenty years had nearly elapsed since the law referred to in the motion of the Hon. Member for Huntingdon had been first introduced by the Legislature—The House of Assembly, where it originated, could not bestow its attention upon all the objects comprehended in the Act, so as to regulate and provide for the various details of the Police of Quebec and Montreal. It was requisite to entrust a certain share of local Legislation to the authorities upon the spot. To delegate this power to those acquainted with the local circumstances of those places was the result of necessity, not of choice—it was an experiment—and the powers of making Rules and Regulations of Police had as a matter of course been confided to the Magistrates of those Cities—but these Magistrates were also charged with the administration of the municipal revenues, as well as with the judicial functions relating to them. The Law therefore contained in itself principles diametrically opposed to those of the Constitution. It gave to a body of men liable to be removed from day to day powers repugnant in themselves, that of legislating, enforcing and judging of delinquencies committed in contravention to their acts of legislation. It was an union of the legislative, executive and judicial powers which according to the principles of the best Governments were absolutely incompatible.

The intention of the members of that House had always (he understood) been to revise the law in question, and to adopt a plan which might correct the vices contained in it. This had been proposed every time the Act alluded to had come before the House, and if he remembered right, it had been particularly mentioned last year. This purpose had never been lost sight of, and the Act had therefore been always of short duration, with a view to the alteration to which he alluded, and indeed it was solely owing to the multitude of affairs with which the House had been so oppressed during the

last Session that it had been found impossible to give due attention to the Act, upon which he was confident there could be but a single opinion. A Power of such nature committed to the Magistrates must necessarily carry with it many inconveniences. The abuses must be the more grievous as many of the *Rules* made in pursuance of the Act might most essentially affect the property of the Citizens; and it is notorious that the acts of authority, committed under it, had heretofore caused such Representations as to have induced the Legislature to retract the power of making and sanctioning *Rules of Police* for country Villages—He did not intend to reprehend indiscriminately the Magistrates with having misused their power to the detriment of their fellow Citizens. Those at Montreal though they may have sometimes erred, generally speaking, deserved the applause of their fellow Citizens for the diligence with which they had promoted the improvements of that City especially of late years. To err was human, and they were not less fallible than the rest of mankind. But they were for want of a long experience in common with many of their fellow Citizens too little acquainted with the true principles and rules of Government.

He asked if it could be imagined that the House of Assembly for a moment could have intended the Act to be perpetual—He himself upon hearing at Montreal that such was the case, had given it no credit until he had seen a printed Copy of the Acts of the last Session. All the Members he had seen at Montreal were of the same opinion, and many of those Gentlemen did not hesitate to tell him with a tone of perfect assurance that the Act was temporary—judge of their surprise in being undeceived; they felt with him that this Honorable House and the Members composing it, must be exposed to the obloquy of having in this instance sacrificed the interests of their Fellow Citizens, and that it must in some measure attach to the whole Legislature. The just demands of their Constituents were entitled to an enquiry on the subject in order that the evil might be traced to its source, and that they who were in some sort the Victims of the odious suspicion of having favored the passage of this Act might be rescued from the unmerited opprobrium. It was at the more remote parts of the Province where this suspicion might be strongest. Here in Quebec the Public have the means of knowing the difficulty under which Members who wish to follow closely the public business have to labour. The prodigious mass of business renders it impossible for every individual Member of the Legislature to observe with minute attention the various Petitions, motions, Bills, &c. which pass in constant succession. The slightest alteration in a phrase or a word, may often change the meaning and nature of a Bill, and give a turn to the sense of it never intended by the Legislature. What would become of the public business if the House could not rely upon the fidelity and the honor of Members introducing and conducting Bills through that House, as well as upon the Officers and writers proposed for the drafting and framing of Bills and the general superintendance of the proceedings of the House?

Mr. Viger, gave a rapid sketch of the Number of Bills Petitions and other important matter before the House in the last Session, which he observed might be some excuse for the omission of the clause limiting the duration of the Act.

Some of the Honorable Members had expressed doubts as to the regularity of the motion before the House. He maintained it to be perfectly constitutional and founded upon the Example of the Imperial Parliament in cases analogous to the present. Members admitted, they had been deceived and they were told that the remedy was simple, it was only to introduce a Bill to repeat the act in question without any preliminary enquiry. Could such a measure, if at all necessary, be adopted without even the shadow of a pretext to induce the other branches to concur with them? What reason

could they offer? the thing would manifestly be absurd, and would involve the House in inconsistency.

With respect to the Honorable Member for Bedford, he ought to be considered guiltless of the charge until it were established by proof. He was persuaded that Members were disposed to put the most favorable construction on his conduct, but it was proper that the very suspicion of the foul imputation laid to his charge should be removed, and he knew of no other mode of doing so than the present.—The accusation was now of record. It was solemn, and must remain an everlasting stain unless removed by an (*enquête*) enquiry.

Members might be persuaded that, ultimately, it would appear by the proposed inquiry, that the Act in question had been made perpetual through an error, as unintentional on the part of the Hon. Member accused, as on the part of the Committee who prepared the Bill, and of the whole House. The enquiry would also tend to shew the public that this error, from the enormous mass of business before the House, and the multiplicity of objects which necessarily engrossed its attention last session, was somewhat excusable. It would also justify them in the introduction of another Act to repeal or at least to limit the duration of the Act, which, no doubt, upon a proper and a reasonable explanation, would meet with the most favorable reception from the other branches of the Legislature.

The Upper House had, no doubt, observed the alteration in the nature of the bill when sent up for their concurrence, but it was natural for them to suppose that the bill had been discussed below, & that as its operation more immediately concerned the Commons, it was unnecessary to make any comments upon it. In fine, he was of opinion that the measure proposed, was due to the House, to the Country, and to the Hon. Member implicated.

Mr. Borgia was somewhat surprised at the nature of the accusation, which, nevertheless, he thought deserved some attention, and might very fairly become the subject of an enquiry in the House. The blame attributed to the Member for the County of Bedford, in passing the Bill in question, was, he conceived, misplaced. He had a right to suppose that the Law in question must have underwent the usual course of Bills originating in the House, by being read three times, on three different days, according to parliamentary usage. Why then censure a single Member for the enactment of a Law, which had become such by the concurrence of the three branches of the Legislature? It appeared to him somewhat singular. As well might the whole House, with the Legislative Council and His Excellency the Governor, be blamed for the passing of this Bill into a perpetual Law, (which circumstance, however, he much regretted) as the Member for Bedford. He would, however, have no objection to hear the evidence offered.

Mr. Cudliller, in answer to what had fallen from an Hon. Member, relative to expiation, observed, that he felt perfectly secure on that score. With respect to the remarks of the Hon. Member who spoke last, he observed, that the question was not, whether the Bill ought or ought not to have been made a permanent Act, but to enquire whether deception (*supercherie*) had not been used in its introduction and passage through the House. No Hon. Member could deny him the right of accusing, or of proceeding in the manner he now proposed; it had been adopted in the British House of Commons. (He cited the case of the Duke of York.)—The right in question is inherent in the House, and enjoyed by every Member of it. He had, in the exercise of that right, accused the Hon. Member for Bedford, of bad faith and deception (*supercherie*) towards the House, and the accusation was now of record; it had been deliberately made, upon his own responsibility, and he would prosecute it without fear or dread of consequences, or expulsion, with which he had been menaced by the Hon. Member for Dorchester. He thought, upon the whole, that the friends of the Hon. Member accused, ought to insist upon his (Mr. McCord's) persevering in the proposed enquiry, as the only means of clearing up the character of the Member concerned, if he were really innocent of the charge preferred against him.

Mr. Taschereau explained:—he did not intend to reprehend the measures of the Hon. Member who spoke last. His observations had been made with a view of obtaining certainty and precision in the resolution which the Hon. Member had proposed for the adjournment of the House; but the Resolution, as it now stood, proposed an enquiry by committee, and as Members could not shut their ears against evidence, he, for one, was disposed to give it his entire concurrence.

The question being put by Mr. Speaker, the motion was carried, nem. con.

SATURDAY, JANV. 17.

Mr. Vanfelson moved, seconded by Mr. Dumont, that the Report of the House of Wednesday the 14th inst. for going into a Committee of the whole on Monday the 26th of January, to examine, by evidence if Thomas McCord, Esq. one of the House did not knowingly and voluntarily use bad faith and surprise towards the House by the manner in which he, last year, brought in and conducted, in its progress, the bill for the regulation of the police, be now rescinded.

The Speaker informed the House, that as the rules of the House, in all questionable cases, enjoined recourse to the usages and forms of the Imperial Parliament, which said Rules, usages and forms declared, that a question once proposed in a Session and carried in the affirmative or negative, could not be agitated anew, but ought to remain as a judgment of the House; that, in consequence he rejected the motion. When Mr. V. appealed to the House against the decision of the Speaker. The House divided as follows:

For the Speaker's decision, 9

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Majority, 1

FRIDAY, 23RD JANUARY.

In a Committee of the whole House on the Bill granting a Duty of two and a half per cent on Merchandise imported into this Province, &c.

Mr. Davidson—in moving to resolve, that it was expedient to continue the Law now in force to that effect, observed, that until the public accounts were laid before the House, it was difficult to say what was the exact state of the Provincial finances. He could barely say from memory, that the expenditure amounted to about £80,000 and that the revenue might probably exceed £80,000 in round numbers. The surplus of the Provincial Revenue remaining at the disposal of the Legislature had usually been appropriated to such purposes of public utility as were from time to time judged expedient for the improvement of the Province. He thought the present mode of taxation a fair one, and as such, he would be always disposed to give it his support.

Mr. Taschereau observed, that he knew of no other mode so easy as the present, nor so efficient to enable the Government and the Legislature to provide for the necessary public expenditure, and for the improvement of the Province. The Duties in question had indeed been first imposed in time of war,—in a season of necessity; but he conceived that the daily wants of the Province at the present period were such as to render their continuance indispensably necessary. At a moment when the Mother Country called upon the Colony to bear the expence of its Civil List, it was, he thought, incumbent upon the Legislature to provide liberal means of defraying the charge which was in every respect fair and just; as the price of the happy Constitution we enjoyed from the generosity of the mother Country, whose expences in defence of the Province must heretofore have been considerable. In assuming the charge to which he alluded, he said it must be agreeable to the Legislature and to the People of this Province to recollect, that it secured to them the full exercise and enjoyment of their Constitution, from which must result the happiest efforts to His Majesty's Subjects in this Province, and the conservation of Canada to the British Empire. The tax proposed was the best that could be devised for this Province—it is neither difficult nor expensive in the collection—it weighs lightly—it has undergone the test of experience—an advantage which no new mode of taxation can afford—if any slight inconveniences exist, they can be easily removed—He knew of no other mode of raising a supply—to tax agriculture in its present infant state would be highly impolitic: the agriculture of the Province stood rather in need of the fostering assistance of the Legislature. Although it would at first sight appear that the tax in question was a check upon trade, yet when the facilities the present Act afforded the Merchant, were considered, it would be thought otherwise. It would be seen that it was not the Merchant but the consumer who in reality paid the tax. The question whether agriculture or trade should properly be the object of taxation in this Province, had upon a former occasion been amply discussed in that House, as might be seen by advertizing to their address to His Majesty, relative to that subject. Members, he hoped, were persuaded of the impolicy of taxing the soil, which, however, they must ultimately recur to, unless the duties at present pro-

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## [3] PARL. REGISTER, 58 GEO. III. 1818.—Bill granting 2 &amp; half per ct. on Merchandise. [14]

RDAY, JAN. 17.

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Mr. Speaker, rose to say that, no subject of deliberation can more deeply interest the representatives of a People, than that in which the imposition of duties is put in question. The necessity of obtaining the concurrence of the commons in levying and appropriating monies, is the first source of their weight and authority in the direction of the public concerns of their country. Few other acts of Legislation have so intimate and so signal an influence upon the prosperity and despatch of nations. To establish easy and moderate imposts; to collect them with facility and economy; to distribute them judiciously, is the surest method, within reach of the Legislature, at once to excite and to reward industry; to fail in any of these respects is to convert the imposition of duties into the most pernicious means of retaining mankind in poverty, indolence and servitude. In those respects our situation is happy; we in fact pay fewer imposts than any other civilized people. Upon those articles which may be considered as objects of luxury, such as Teas, Coffee, Sugar, Wines, Spirituous Liquors &c. we pay at most from six to ten per cent, and upon articles of manufacture, but two and a half per cent. This latter duty was the present subject of consideration. To reduce the proposition to its simplest shape, it is merely this. Shall we, in order to pay the necessary public expenditure, as often as we are disposed to purchase any article of importation, pay for the same one hundred and two pence half penny, instead of one hundred pence; or shall we recur to some other mode of taxation? The public opinion has long since been pronounced upon the subject—it is some years since the misconceived interests of trade brought into contact with the general interest of the other classes of the population, occasioned discussions which have ever since fixed the public opinion on this point. The Merchants were for the establishment of direct taxes. There are perhaps circumstances under which this mode of taxation might be the best, but it was certainly erroneous, to prefer such a mode to the present, by which nine tenths of the revenues were collected in a single port of entry; it would be said erroneous to substitute for the small number of Custom House Officers which we employ, a host of excise-men—to prefer, to the Duties, paid insensibly by the consumer and in a way entirely at his own option, a forced Revenue upon every acre of Soil payable at a fixed period, which necessarily must operate with unequal weight upon the rich proprietor of fertile Lands, and the poor proprietor of an arid and fruitless soil. Such an impost must necessarily have retarded the progress of clearing the woodlands, the primary source of the prosperity of all new Countries where lands are of moderate value, inasmuch as none but cleared lands were to have been liable to it. These innumerable disadvantages would eventually have injured the advocates of the proposed measure, as the treasury constantly in want, from the great expence of collection of the revenues, would constantly have craved new supplies, which bearing upon the mass of the population must evidently have reduced the consumption of every article of trade, and thus have diminished the trade itself. Such, however, was the unhappy influence of personal interest, that men otherwise well informed, and enlightened, strongly advocated this vicious and ruinous system. The same motives may still produce the same Errors—and although such a perverse doctrine will obtain few Proselytes in this Province, it might have some effect in England, where the true interest of this colony had not always been correctly represented, nor well understood. Great Britain owes a great part of her success, her power, and her happiness to the judicious encouragement which she has studiously extended to her manufactures and her commerce. She is perhaps excessively jealous of every thing which may even remotely affect these great national interests. Although he was persuaded that the collection of these moderate duties which it is proposed to continue, was the best mode of raising a revenue without either injuring the interests of the mother country or of the colony.—Although persuaded that the principal part of the Merchants of the country were too liberal in sentiment not to concur in the truth of this, yet it was to be feared that some individuals either through error, or from motives less excusable, might raise a calumnious clamour on the

other side of the Atlantic, and induce a belief, that Canadians, strangers to the interests of the mother country, and to the principles which consolidate the prosperity of its commerce, have purposely laboured to shackle its colonial trade, by the injurious duties imposed on its manufactures, while the internal resources of the Province were adequate to the expences of its Civil Government.—With a view upon these considerations, and aware that the duties in question were to expire in March, 1818, unless the law were renewed, he had felt it his duty, at the close of the last Session, to mention it to His Excellency the Governor in Chief, who had permitted him to offer his opinion on the subject, and who, with his usual vigilance and attention to every thing that concerned the public interest, received that of several other persons on the subject; he knew also that several Members of that House, with whose seal for the promotion of the interests of the Province, he (Mr. Speaker) was well acquainted, had, in like manner, suggested that, in the event of the disposition of the Provincial Legislature to renew the Act alluded to, it might be of advantage that His Majesty's Ministers should know the motives which had induced them to select this mode of taxation. After having maturely weighed the subject, His Excellency the Governor in Chief had requested instructions from Ministers. If any impediments had been interposed, they had been overcome, and he thought it a duty, —a duty performed with satisfaction, of seizing the earliest occasion of communicating to the House the important information, that if it should judge expedient to continue the duties in question, His Excellency the Governor in Chief was authorised and disposed to give the Royal Sanction to such Bill as might be submitted to him to that effect. It were proper, not only that the House, but that the Trade in general should be apprised of this circumstance as early as possible, so as to be enabled to regulate their operations with certainty.

This consideration of the connection between the trading and the general interests of the Province, led him to call the early attention of Members to another question too intimately connected with the present to be omitted. It was to consider what duration ought to be given to the Bill proposed, and he was of opinion that it ought to be for some years. If such Acts were annual, the Merchants always uncertain whether they would be renewed, might be essentially affected in their concerns, and incapable of deciding what proportion of their capitals ought to be reserved for the payment of the duties as well as for the liquidation of their imports. They would then have cause to complain, and their complaints would compel the Legislature to seek some other object of taxation. He, therefore, thought the Act might be extended to four years, leaving it to the next Parliament to continue or abolish it, as in its wisdom, it might be found expedient.

Let it not be said that this will go to destroy the Representation. He had, at heart; as much as any of his fellow citizens, the wish that their Representatives should acquire all the importance which the constitution,—the last, the best, and the most analogous to that of Great-Britain, which the English nation, in its liberality, had bestowed upon any of its Colonies, could confer upon them. Let us guard, (he observed) the precious boon conferred upon the people of Lower-Canada, of declaring annually their opinion by their Representatives. And in matter of supplies let us be annual counsellors, whose consent must be had for their distribution...He made a distinction between the imposition and appropriation of Duties...This latter operation ought to be annually repeated. On their care in preserving this right, and in using it with wisdom depended the importance of the Representation of the Province.

In observing the increase during the last ten years, of the prosperity of the Province,—inquiring also into its future destinies and anticipating a long peace abroad, and union at home, a still more rapid developement of the great natural resources we possess, may fairly be looked for in the ensuing ten years. A prudent distribution of the surplus of the public revenue in improving the public routes and communications by land and water to facilitate the clearing of lands which advance so rapidly by the emigration from Europe, from whence we derive capital, information, and improvements in industry, and to facilitate the establishment of the new settle-

ments, in which the lands, though as yet uncultivated, are extremely fertile, will produce an unparalleled increase in the agriculture of the Province; while the equally progressive improvement of our neighbours will assure us an increase of trade. The lands adjacent to the Great Lakes are destined by nature to second our industry. A fruitful soil, a mild climate assure the success and the riches of the numerous and industrious inhabitants which cultivate it. They prosper—so much the better,—if they gain, we shall have our share of the profit. The Saint Lawrence, the only outlet to their produce, waits and will for ever waste their wealth. The markets of Quebec and Montreal, afford them European merchandise on the easiest terms. The American Government, to promote their own manufacturers, and to support the expenses of the Government imposes as high as 30, say 40 per cent upon almost all articles of foreign manufacture. This will no doubt be a motive for the inhabitants of the back Settlements of New York and of the Michigan territory, which *will* soon become the seat of an immense population, to bring up their produce, and take from us European merchandise in return. Our Merchants are their Factors, our River Craft, say our Carriers feel the benefit of it. Our Warehouses are the Magazines of their wealth, and our Cities are enriched by the constant intercourse of those industrious neighbours.

Finally, he thought that for these considerations they might with propriety determine upon prolonging the duration of the Act in question, and by preserving one of the most fruitful sources of the revenue, be enabled by a judicious application of the public means, to render essential service to their constituents.

Mr. Davidson, observed that after what had fallen from the Speaker, he thought any further comment on the subject unnecessary. He merely suggested, that Hon. Members ought to bear in mind, that the House stood pledged for the payment of the Civil List. As the mode of taxation proposed was easy both in its operation and collection, he for one, would be disposed to extend its duration to a longer period than heretofore; say five or six years. That in this Province we were happy enough to know nothing of Excise Laws, except the name. That if the means of realizing wherewith to pay the expences of the civil Government, now that they were pledged for it, should fail, they might probably be under the necessity of recurring to an Excise upon the daily necessities of life. An alternative, which however, he most earnestly deprecated, and which he hoped never to witness in the Province.

It was accordingly resolved, as proposed by Mr. Davidson, New Com.

SATURDAY, 24th January.

On the second reading of the Bill to ratify and confirm the provisional articles of agreement relating to Duties between this Province and Upper-Canada,

Mr. Taschereau observed, that he did not intend to oppose the agreement made by the Commissioners on the part of this Province with those of Upper-Canada, persuaded, as he was, that they had reciprocally sought for the interests of their respective Provinces. He, however, would be glad to be informed on what principles they had acted. For what reasons did the Commons of Upper-Canada permit this Province to tax their constituents? Why did not the Commons of Upper-Canada take the odium of this tax upon themselves? This Province not only was charged with imposing the tax, but we were also their tax-gatherers. Would it not be better that merchandise imported into this Province, destined for Upper-Canada, should be exempt from duty on entry? Would not this be more conformable to constitutional principles, and would it not exempt this Province from a charge of which it has no cause to be proud? If, however, local causes should render it expedient, for the mutual advantage of both Provinces, to collect the duties at the port of entry, would it not be expedient, instead of adopting the present mode, of giving Upper-Canada a fifth of all duties collected in this Province, to grant a drawback to the merchants of Upper-Canada, on passing their merchandise at Coteau-du-Lac.<sup>\*</sup> He proposed these queries in order that some satisfactory explanation might be given on the subject, by such

<sup>\*</sup>(Men.)—A clause had been introduced into the Bill, authorising the Commissioners of Lower-Canada, again to meet the Commissioners of Upper-Canada, and to propose and offer them a drawback upon all merchandise going into the Upper Province, which if accepted should take effect after being notified by Proclamation. The Bill not having as yet passed the House, this clause remains to be disposed of.)

Members as were Commissioners on the part of the Lower Province, who he presumed would satisfy the House on the points he had observed.

Mr. Davidson.—Had not been present at the conferences held at Montreal with the Commissioners, (as he had, upon a former occasion, stated to the House.) He however saw Members in other places, who were of the Commission, and he trusted they would as far as lay in their power, answer the queries of the Hon. Member who spoke last. It was worthy of notice, that in the negotiation alluded to, (which he conceived to be entirely a negotiation relative to taxes, and as such ought to be a matter exclusively belonging to the Commons of the two Provinces,) 2 Members of the Legislative Council of Upper-Canada had been commissioned by that Province. The original agreement entered into with the Upper Province had, he conceived, in the first instance, been founded in error, and so persevered in until the present time. It was time to make some alteration in it more conducive to the interests of both Provinces.—He thought the fairest and most equitable mode of dealing with the Sister Province would be to allow the Upper Canada Merchant a drawback upon his merchandise, equivalent to the full amount of all duties paid on the same upon their entry into this Province, leaving it to the Legislature of Upper Canada to tax their own Constituents as they should deem expedient.—This Province had quite enough to do in legislating for itself.

Mr. Viger said that, if the Provinces of Lower and Upper Canada were inhabited by people entirely different, and unconnected it would not be difficult to justify the right we exercised in imposing duties upon merchandise imported into this Province, upon the principles established by the best of public writers. This, however, was not now a subject of necessary discussion. We were like subjects of the same Empire. Colonies of the same metropolis, children of the same mother country, and formerly constituted the same Province. If this relative situation did not interdict us from the mutual enjoyment of our respective resources, natural and geographic, it imposed upon us the reciprocal obligation of being as serviceable to each other as possible. The separation that had been made, was with a view of promoting our common advantage, and we ought to co-operate with cheerfulness in its accomplishment.—The principles of the agreement, recited in the Bill, considering the relative situations of the two Provinces, were, he thought, equally advantageous to both. After rapidly explaining the advantages of indirect taxes, over direct and territorial impositions, both as respected the ease with which they weighed upon the public, and with respect to the economy of their collection, he observed that we enjoyed in this respect advantages common to no other Colony of the Empire.—A single Port of Entry. The great multiplicity of Ports in other countries, afforded the greatest scope for contraband trade, while they compelled the Governments to maintain most enormous Custom House establishments, to suppress smuggling. The unwieldy burden of these establishments to Governments, was too well known to require comment. Our position enabled us to avoid these inconveniences. Nothing could be introduced into this Province from Europe, but by the Saint Lawrence. The advantage was obvious. Our Duties were all collected at a single point, with an economy and facility known nowhere else. By the imposition of Duties in this way upon merchandise imported into this Province, it was true that we to a certain extent taxed the inhabitants of Upper-Canada, inasmuch as they had no other trading communication with Europe, than through the Saint Lawrence. It must at the same time be admitted, that it had not been a measure of choice, but of necessity. We had incontestably the right of taxing ourselves, but it was incumbent in so doing to render justice to the Sister Province. The point in discussion was, to ascertain, whether in the present instance the Commissioners had adopted the means to obtain this end. According to the principles which he had just now laid down with respect to the connection of the two Provinces, there was no doubt that Upper Canada had a right to its share of the duties upon our merchandise, in proportion to the consumption of them in that Province. This had appeared to the Commissioners as the fairest mode of fixing the proportion due to Upper Canada, but it was nevertheless true that the Commissioners had, in a great measure, been guided by calculations which, in the entire absence of any certain documents with respect to the number of the population in either province, might or might not be correct.—They were, however, as near the truth as might be expected.—Members might recollect that it was only last year a Bill had been introduced, authorizing a Census. This had unfortunately been rejected in another branch of the Legislature.—He said unfortunately, because he considered it in the present instance essentially necessary, as it must also be in various other acts of Legislation.—The Commissioners had considered the population of the Upper Province, with respect to Lower Canada, as one to four, and that taking this calculation as correct, the Sister Province was therefore equitably entitled to a fifth of our whole revenue arising from the European trade by the Saint Lawrence.

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Saint Lawrence,

An Hon. Member had spoken of drawback in favor of Upper Canada, leaving the Legislature of that Province, to impose such duties as they thought proper, upon their own people, as the easiest means of removing every ground of complaint.

Mr. Viger observed, that it was not for this Province to start the objection; it was for Upper Canada to look after its own interests, and we might fairly suppose it did so,—if any inconveniences resulted from the present Agreement, that Province would, no doubt take the earliest occasion to obviate the evil.—In fact it could not be denied that Upper Canada had a right of establishing Custom Houses, upon its own frontiers, and laying such duties upon its importations, as might be thought expedient. If either of the Provinces should in the least suffer by the agreement in question, what was to prevent them from altering it at any future period? The agreement was, he thought, such as to exclude any consideration on the subject he had just alluded to. He nevertheless would give such information to Members, as he possessed on that subject, and would show that for the present, it was not expedient either for this Province, or for Upper-Canada, to adopt this new principle. The establishment of Custom Houses for this proposed importation, would evidently militate against the interests of both Provinces—Upper-Canada would, however, suffer more than Lower-Canada, as he possessed on that subject, and would show that for the present, it was not expedient either for this Province, or for Upper-Canada, to adopt this new principle.

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In the first place the Province of Upper Canada was divided from the States on the South by the Great Lakes; on the East by a Line running north from a point a little above Point au Baudeau on the Lake St. François. It was obvious, that smugglers would easily evade the vigilance of a Custom House established at Point au Baudeau were the Lake St. François was so wide. If a Custom House were established still higher, where the river becomes more narrow, the intermediate space must either be entirely abandoned, or an army of Officers must be paid to watch the trade, how would it be possible to watch the shores of the river, above, where goods might be landed at every point with so much facility? He mentioned the exertions of the American Government previous to the late war, to enforce the famous non-intercourse which in spite of all their vigilance and exertions had been eluded, on the north the Province of Lower-Canada extended along the Banks of the Ottawa which separated the two Provinces, and afforded equal, if not greater facilities for smuggling. In a word the whole geographical position of the Upper Province, was such as to render it impossible, without the assistance of this Province, to shut the door against contraband, or to bear the intolerable expense of paying for Custom House establishments, which were filled by *Douaneurs* as numerous and vigilant as those of Bonaparte, could not suffice to prevent smuggling. We were so situated as to be able to render essential service to Upper-Canada,—we ought to be upon friendly terms.—We had cause to believe that the public characters of Upper Canada thoroughly understood the interests of their Province, and as they were satisfied on these important points, it was needless for us to be otherwise. From this exposé, he hoped Members were satisfied with the principles upon which the agreement with Upper-Canada had been concluded. It had been founded upon a basis of reciprocal advantage.—Lower Canada was, as it were, the centre of their Commerce, and our Merchants were in a manner the Agents of the Upper-Province.—He could say, that the mode proposed, far from exciting discontent in the Sister Province, was as far as he had been able to ascertain, taken in the most friendly way, and considered by that Province in the light in which he submitted it for the consideration of the House.

MONDAY, 26th JANUARY, 1818.

Mr. Cuviller, felt himself inadequate to the duty which it had fallen to his lot to undertake, and of which he had, at the close of last session given notice, in the hopes that gentlemen, who from professional acquirements, might be much more adequate to the task than he, would have undertaken the discharge of a duty to the public, which they must have been aware was more peculiarly expected from those conversant with the Administration of Justice, than from Members unacquainted with the Judiciary, otherwise than from humble fame and public complaint. He would not upbraid any Member with indifference for the pure and unbiased Administration of Justice in the King's Courts in this Province, for although they might have their opinions on the subject, and

although he had purposely delayed the subject in question, in order to afford an occasion for some more able person than himself to agitate the question, he presumed, that good motives might exist in the minds of gentlemen, to whom, in particular, he alluded, to be silent on the subject. He (Mr. C.) had, however, no other motive, direct or indirect, in calling in question the state of the Court of Vice Admiralty in this Province, than a sense of public duty. The gentleman who held that Tribunal was personally unknown to him, and as far as the individual was concerned, he understood his reputation and character to be respectable in the highest degree; he therefore trusted, that no personal motive could be attributed to him in the inquiry he proposed. With respect to the Court of Vice Admiralty in England, he understood it to participate in the Administration of the Civil and Criminal Law.—It was a species of amphibious monster—at one moment it sat on the deep; the next it ruled on the land—This moment it might hang; the next it could plunder. (*tantôt elle pendait, tantôt elle déboulait*) The discontents which the Colonial Courts of Vice Admiralty had universally created, were too well known to require comment.—The Court of Vice Admiralty had, he maintained, no Criminal Jurisdiction, nor indeed, did he think it legally had any other jurisdiction in this Province. But he laid aside for a moment this consideration. The bearings of the Court in question, however grievous they might have been in various instances upon individuals, he did not think ought to be inquired into, unless they were illustrative of inconveniences resulting from the constitution or organization of the Court. He had, indeed, been told of many instances of oppression, but he thought the greater part of them irrelevant in the present instance, and perhaps exaggerated—He had firmer grounds to go upon—He believed it would not be denied to him that the Judicial Powers, particularly those of conflicting Jurisdictions, ought to be disunited, and vested in different hands.—It was, he believed, the opinion of the most venerable Jurisconsults of the British Nation.—Upon this division of power depended the security of the Subject, and the dignity and honor of the Crown. (M. C. cited some authorities on the subject). Not only was the Administration of the Justice of two conflicting Jurisdictions in the same hands, but the same gentleman to whom he alluded, had at the same time, a seat in the Executive Council, and as such was a Judge in the Court of Appeals, the highest jurisdiction in the Province.—There was then a reunion of Judicial Offices the most monstrous, the most dangerous, and the most unconstitutional, in the hands of a single individual; that of judging in the *Vice Admiralty*, in the *King's Bench*, and in *Appeals*. When Members reflected, that in addition to these, the same individual sat as an Executive Councillor, and as such had a share in the direction of the public council, he would ask, where was the security of the life, the liberty or the property of the subject.—He believed there was not another Colony belonging to the Empire, in which there existed such an anomaly in the organization of Courts as in this Province; our Chief Justices were at once Legislators, Councillors and Judges; they united in themselves the Legislative, the Judiciary, and the Executive Powers; they were here legislating to-day, to-morrow in Council, and the next day in Court; this one, was at one moment administering justice in the Vice Admiralty, and the next he was judging in the King's Bench. That one was at once a Judge and a Translator, and, in fact, one would suppose, by their monopoly of places and incompatible offices, that these honorable personages had not enough to live upon with a thousand a year. If such were really the case, he, for one, would be proud in contributing to improve their revenues so as to render them perfectly comfortable and independent, as it was absolutely necessary that they should be so—If the Judges had not enough of a thousand a year, for God's sake give them fifteen hundred a year, or more, if necessary; but let them do nothing but judge, and let them be Judges in one court only—Let us not compel them through indigence to prostitute the dignity of their offices by grasping every little place within their reach, which may, in fact, be necessary to enable them to subsist. He observed, that with the power of the Judges, and the petty difficulties in which they were constantly involved from the incompatibility of various offices which they exercised, no man could feel himself safe; soon or late they come in collision with individuals, who, of course, would become obnoxious, and as such, be objects of hatred and persecution. The Judges were the most powerful and dangerous men in society, and there was no man whom they could not soon or late reduce to ruin—But to return to the Admiralty Court, he relied much upon the incompatibility of the union of the offices of Judge of the King's Bench and of Judge in the Admiralty. In some instances, it may be requisite to apply to the King's Bench to arrest or correct the proceedings of the Admiralty. Could it be supposed that the Judge, who, at one moment, might have committed

an error in the Admiralty, would, at the next moment, while presiding in the King's Bench, revise and correct his own proceedings. Would it not rather be probable that the Judge would be incensed against the *Suitor* or *Advocate*, who would presume to call in question the correctness of his decisions? —The thing was striking, the incompatibility was manifest. He, however, in the present instance, did not only rely upon abstract reasoning on the subject in question—he had stubborn facts to proceed upon—he had instances of the most serious inconveniences resulting from the reunion of the judicial powers in the gentlemen alluded to. A gentleman (whom Mr. Cuvillier named) had been involved in an Admiralty suit, and had, (as he conceived) been unjustly compelled, under pain of imprisonment, by a Writ of that Court to pay a large sum of money; upwards of £100. The gentleman in question would have applied to the K. B. for a prohibition or some mode of redress. The Chief Justice was at that time absent from the Province. The Admiralty Judge was also senior puisné Judge in the King's Bench, and such presided there. Another of the Judges was related to the gentleman aggrieved, and the remaining Judge was, of course, incompetent to decide upon any question—What then was to be done!—Rather than go to prison he paid the money, and submitted to the mortification of paying a sum which he did not think was either fairly or legally due, and the legality of which he could not even have the satisfaction of discussing before a competent and disinterested tribunal. Here then was a positive instance of the great inconvenience of the reunion of the two offices in the same person.

He had also other grounds for calling in question the administration of justice in the Admiralty. He meant the exactation of fees by the Court from the parties interested in causes in that tribunal. This practice he understood to have been of no very ancient date; he believed a table of fees had been introduced into that Court, in 1810, by which the Judges fees were graduated according to the amount in litigation. This must appear extraordinary to every man of plain common sense. It certainly was unconstitutional and contrary to the spirit of the law which prohibits all Judges from having an interest in any matter in discussion. And although he (Mr. C.) understood that the Admiralty Courts in Britain exacted fees, he believed it was restricted to certain cases only. Bad examples, were, however, not to be imitated, and although the evil might, in some sense, be sanctioned by precedent, it was no reason that the evil, when found to exist, should be tolerated. The Judge, he understood, had a salary as Judge of the Admiralty... If he had not enough, let him have three times as much, if necessary, but let him have no interest in any case—Let every officer be well paid—Let the administration of justice be independent and respectable. He had also another ground which appeared to him also to deserve the attention of the House: It was the delegation of the judicial power by the honorable Judge in question to *Surrogates*. The hon. Judge had, upon his departure for England, upwards of sixteen months since, delegated his power to three Gentlemen, who had, in their turn, delegated it to another Gentleman, who, however respectable in other respects, he understood, had never practiced at any bar, and could, therefore, scarcely be thought adequate to so important a charge. Thus was the judicial power shifted from one to the another, and it required very little exertion of the imagination to fancy that some day or other we should find the Post in question occupied by the *Sergeant-at-Arms*. He conceived this delegation of the Judicial Power to be contrary to law, and contrary to the sense of the Government, which in appointing a Judge, depended upon the virtue, the knowledge, and the good judgment of the individual appointed, and not upon those whom he might hire to do his duty as *Surrogates*.—Upon these grounds he had been induced to come forward, and solely with a view of bringing under consideration a subject well worth attention, and which, he confidently hoped would result in rendering the Administration of Justice in this Province more independent and respectable, by dividing offices at once incompatible and derogatory to the interests of Government, and of the Subject. He accordingly moved, "that a Committee be appointed to enquire if any, and what abuses existed in the Administration of Justice in the Court of Vice Admiralty in this Province, and to report thereupon with all convenient speed, with power to send for persons, papers and records."

Some conversation ensued, in which Mr. Cuvillier was advised to withdraw his motion until the next day, in order that Members might have time to consider of it,

TUESDAY, 27TH JAN. 1818.  
This day Mr. Cuvillier renewed his motion relating to the Admiralty, in the following terms: "That the House do on Monday next resolve itself into a Committee of the whole House, to take into consideration the State of the Administration of Justice in the Court of Vice Admiralty in this Province."—Which was agreed to.

FRIDAY, 30TH JAN. 1818.

Mr. Gugy, in moving the House "to resolve itself into a committee of the whole on Wednesday the 4th February next, to take into consideration whether it is not expedient to amend the Act of the 36th year of His Majesty, Chap. 9, inasmuch as it relates to the Townships of this Province," observed that this Colony had, since its establishment, been severed from the British Settlements on the sea coast to the south and east by an immense tract of wilderness extending from the ocean to Lake Champlain, and which had erroneously been considered as an impenetrable and unimproveable forest. That after our sister colonies had asserted their independence this opinion had been confirmed, and we had invariably considered the forest to the south as the strongest and most efficient barrier against foreign attack. Since that period, however, it had been ascertained that the lands to which he alluded were of the most fertile nature, and that the hardy adventurers who had sat down in the forest, had shewn their capability of producing all the necessities of life. Extensive spots on this immense tract were already opened and under culture. The country is intersected by fertilising Rivers, and the soil and climate is not excelled by any in North America. It had, in fine, been ascertained that the tract of country in question was susceptible of the highest agriculture, and such as to invite the enterprise of the industrious Farmer. The time, he said, was now elapsed to enquire whether Government, in granting those lands, had pursued a prudent policy. The face of the country was now changing with extraordinary rapidity, and progressing in population, for whose welfare it behoved the Legislature to manifest a paternal solicitude, and in promoting, by every possible means within its reach, the establishments of new settlements, unite their interests with our own, and thus, in the course of a few years, instead of an impervious forest, we shall be able to oppose to our neighbours, in case of war, the energies of a stout, a hardy, and a loyal population.—The most efficacious means of effectuating these all important purposes was to afford every facility in settling the woodlands, by opening in all directions short and convenient routes of communication from Township to Township and from thence to the principal markets in this Province, and thus affording ample scope for industry and commercial enterprise in the new Townships.—It was indeed true that the Legislature when the means of the Province were taken into consideration, had in the last Session made a very generous exertion towards the improvement of the Internal Communications, but it was also equally true that unless means were devised to maintain and keep in repair the new roads which already were, as well as those which remained to be opened in the course of the ensuing Summer, all these new routes of internal communication must in a short time relapse into their pristine, impassable state. The road Act which had been expressly framed and calculated for the old established and well settled Parishes of this Province, and for which it certainly was well and wisely adapted, had, after the ordeal of some years experience been found inapplicable to the Townships where the Lands were held by quite a different tenure from those of the old Parishes of free and common Socage—There were besides, a number of local causes which rendered the act in question inadequate to the maintenance of the Roads through the Townships.—It therefore became highly expedient to take up the subject and to devise such means for the maintenance and repair of the highways and roads in the Townships as were left unprovided by the road act, and which might be deemed peculiarly suitable for the Townships. It was a measure in which he felt much interest as it was connected with the welfare of an industrious, a thriving, and a growing population. He had conversed with several honorable members on the subject who he was happy to find, felt an equal solicitude with himself for the prosperity of the portion of the Country in question, and concurred with him in opinion on the main points to which he should hereafter call the attention of House, in which he had little cause to anticipate any serious opposition to the measure proposed.

Mr. Gugy's motion accordingly passed unanimously.

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On the Bill for repealing, in part, an Ordinance for preventing  
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Mr. Viger introduced the Bill. He conceived that the amendment it contained was so obviously expedient, that there could be but a single opinion on the subject. It had been found by experience, that shingles were at once the best and the cheapest covering that could be used for houses; they were better suited for the climate than boards, and it had also been ascertained that in cases of fire, they were not even so dangerous as common pine boards.

Mr. Davidson was of opinion that it was expedient to repeal the law in question, inasmuch as it was at present almost universally disregarded, and considered as an obsolete law. Better to repeal a law when fallen into disuse, than leave it upon the Statute book a dead letter. He could speak with confidence on the disregard into which it had fallen, having observed several houses in his city of late covered with shingles; and, upon the whole, he did not know why a shingle covering, with a proper wash or coat of lime, should not be as safe as a board covering; it certainly was much more convenient.

Mr. Thackeray was disposed to repeal the clause in question, but wished to know the sentiments of the inhabitants of the cities of Quebec and Montreal on the subject, as it was a matter entirely local, and affected their interests exclusively. The Ordinance in question, had, he presumed, been made with a view to remedy inconveniences, which at the time of its enactment could only be provided for in the manner therein laid down. There was nothing, therefore, that could induce him to repeat any part of it, unless it were the interests of those in whose favor the Ordinance had been originally made.

Mr. Borgo was not only disposed to take the subject into consideration, but he would even go a step further. He would be glad to see some measures taken to prevent the practice of late years adopted, of covering houses with tin and sheet iron; a practice extremely prejudicial to the human eye, by the prodigious heat and light reflected from the tin roofs in the summer season. It had also been found inconvenient from the heaps of snow which the winter season lodged upon the roofs, and from thence sometimes fell into the streets in such masses as to endanger the lives of people passing to and fro in the streets.

Mr. Gagé said he was decidedly in favor of the repeal, in as much as he did not like to be told "you shall dispose in such or such manner of your inheritance, and if your circumstances do not permit you to cover your dwelling house with costly materials you shall not build at all." He was, however, ready to admit that general safety rendered some restraints necessary in civilized society, but these, at least, must be obviously calculated to answer the desired object; and in the present instance he would plainly show to the Committee, that the clause he wished to see repealed in common with the Honorable mover, was no ways adequate to the end it had in view, namely, security against the spreading of fire; for it enacted that Houses should only be covered with boards, prohibiting shingles, except for attic lights (*lucarnes*, &c.) Now he would contend that a board covering was as combustible as one of shingles, and much more difficult to clear away when exposed to a conflagration. While permitting the *lucarnes* to be shingled at the same time, was actually inviting danger instead of removing it, since those peculiar constructions, the *lucarnes*, by means of their angles and varied surfaces would at all times receive and retain the flying inflamed materials.

He acknowledged that covering houses with sheet iron or tin, was more substantial and durable, and also handsomer to the eye, and he had no doubt but every wealthy person would, in building, consult his own interest; and calculating the durability on one side, and the reduced premium of insurance on the other, would always be disposed to give a preference to metallic covering. But as this was highly expensive, the labouring classes who might have from their savings acquired the means of erecting modest dwellings for their families, would be entirely precluded the doing so, if the clause in question was allowed to stand, and this in his opinion was sufficient inducement to support the measure, even if other reasons had not at the same time pressed on his mind.

Mr. Speaker said, he had already heard sufficient reasons to prove, not only the inutility, but even the vice of the clause of the ordinance under consideration. The subject was, however, suf-

Mem.—This Bill repeals the 8th Clause of the above Ordinance, which forbids the covering of houses in the Cities of Quebec and Montreal with shingles.

ficiently interesting to admit of some observations which appeared to him decisive.

The prudent provisions of the Ordinance alluded to, had been attended with the best results.—The obligation of keeping Chimneys well swept, of having buckets, and particularly those stone elevations called *coupes-fus*, had much diminished the danger of fire. Before the passing of this Ordinance, the roofing of houses adjacent and adjoining each other, were all connected together.—In case of fire, inevitable ruin was the consequence. Our present situation has been materially improved, by the many additional stone buildings erected since that time, and by the degree of security derived from Insurance Companies.—These admirable Associations are among the greatest benefits which the human mind has imagined for the advancement of the civilized world.—Fires and Shipwreck, those calamities which sometimes human foresight cannot avert, have, by their establishment and operation been alleviated, and the prudent proprietor, with a small sacrifice of his revenue, may secure himself against any sudden transition from opulence to indigence by these disasters.—The advantages resulting from these Institutions are now fully felt and appreciated in this Province.—He would for a moment suppose, that shingles were more dangerous than board covering, but this even was not a sufficient reason to prohibit the former, when the securities held out by the Assurance Companies and the great facility and cheapness of covering with shingles were considered.—It was proper to encourage and assist the middling classes.—These classes asserted, that shingling was at once much cheaper and a more durable covering than boards.—This in itself was some inducement, as it afforded greater facilities in the acquirement of property to the poorer classes, upon whose prosperity that of society in general depended.—The Merchant would find it to his advantage.—The Lawyer would have more business, and would necessarily have more advices, good or bad, to give. The Apothecary would vend more of his drugs, without giving the Sexton any additional trouble, (*a smile*) in a word, society at large would derive more or less advantage from the alteration proposed.

With respect to tin coverings, of which he had heard an Honorable Member mention several inconveniences without any of the advantages, they were exclusively a Canadian invention, and he was well informed that they had been imitated at Stockholm, Copenhagen, and in other Cities in the North of Europe, and they had been found the most substantial coverings hitherto used.

P. S.—The foregoing, far from containing the many observations made by the Members on the subject, are no more than the outlines of the principal arguments, collected as they could be heard from the gallery.

WEDNESDAY, 11th FEBRUARY.

Mr. Davidson, rose to acquaint the Committee, that the purpose of the motion which it was his intention to submit to their consideration, was the expediency of addressing the Imperial Parliament, and praying it not to impose the duties on lumber, as intimated by a letter from N. Lach of the 25th Feby. 1817. In support of the motion he would state the facts of the case and confine himself simply to the question, though aware that the commercial relations of the Province, might properly come under discussion at the present moment, but that as an opportunity would be afforded in a few days of amply discussing them when the bill to regulate the inland trade, would be presented, it would be well for the present to fix the undivided attention of the House on the subject to which he alluded, as very little delay might be attended with irreparable loss to this Province. He could state that the letter containing the information, that His Majesty's Government was of opinion that an extension of duty should be laid on timber imported from British North America, equal in amount to the additional duty imposed on foreign timber in 1813, was no fiction. It was an official document, and as such had been duly attended to by the shipping interest of Great Britain, and by the principal Commercial Towns in England and Ireland, the whole of which reproached the measure as unjust and impolitic. Remonstrances had likewise gone home from Nova Scotia, from Quebec and Montreal. He indeed held in his hand the proceedings of a meeting of the Merchants and other inhabitants of Quebec held on the 10th of October last, upon which a memorial had been passed and sent home, but that he felt, and he believed with reason, that strong, and well supported as these Petitions might be, it was very unlikely they would receive the attention they merited, unless supported by the measure which he now brought forward. They also had at all reflected on the proposed duty were aware that the measure proposed by government would annihilate the timber trade of this Province, which, though he would not go so far as to call the only source of its prosperity, he would contend essentially contributed towards it. It was a fact well known that with the usual advantages afforded by the very low freights, consequent on the number of vessels which had for so long been employed

on the transport service, being suddenly thrown into the market, the timber trade barely afforded a commission to the parties concerned on either side of the Atlantic. The effect of a duty would be to annihilate the trade. Under the faith of the promises held forth of the good dispositions of the mother country very large sums had been expended on saw mills and other lumber establishments,—they must be lost, and a very great part of the population at the port of shipment deprived of the means of subsistence. That at a moment like the present, when the Province was called upon to pay an immense sum for the expenses of the Civil Government, and to which the Legislature was pledged, he considered it an act of injustice to deprive it of the advantages derived from its own resources—those advantages, it had from its lumber trade—if it were deprived of that, (and that it would be deprived of it, by the extension of the duties, he had no doubt of) it could have no import trade at all—a very limited tonnage would suffice to export the Furs, Pot Ash and other valuable articles of export—lumber vessels being generally chartered for return cargoes, could afford to bring the bulky articles of British Manufacture at a very low freight, as under other circumstances, they would come in ballast—the consequence was, that it was in the power of the Merchants here to sell those articles at a much cheaper rate to the Traders of the United States, bordering on the Saint Lawrence, than they could be supplied from their own Sea Ports; A trade highly advantageous to this Province would follow of course—this we should lose, if the ruinous duties in question were imposed upon our Lumber.—In short, he thought that even with the duties at present existing, this Province could barely enter into competition with the European lumber markets and at the same time meet the necessary expences of the Government in this Country. The extension of duties on our lumber would be to sacrifice the interests of a loyal and an important British colony to the interested representation of the agents of the Russian, Prussian and Norwegian merchants, and reduce this Province in order to meet its engagements to the necessity of recurring to direct taxation, which above all things he deprecated. The present question obliged him to touch upon the navigation laws of the mother country, he hoped His Majesty's ministers would turn their attention to them also—This Province in common with the other colonies is deprived of a free trade with the world. We have but one market at which we can either buy or sell—When we have a surplus of grain for exportation, the chance is, that the ports will be shut against us. Deprived of the lumber trade, probably some restriction upon ashes in order to favor some Spanish friend wishing to trade in Larilla may ensue. Thus it is probable we shall be hampered on all sides, and our trade be destroyed, and if such should eventually occur, he would be glad to know where we are to get the money to pay the Provincial expences. He should hope that the different representations already made, may have persuaded the Lords of the privy Council for trade, that it was not right to sacrifice their colonies to the interests of those who might be at war with them to morrow. He was satisfied there could be but one sentiment in the House as to the propriety of the measure he proposed and concluded by hoping that gentlemen would confine themselves to the prayer of the petition, which he would hereafter propose.

Mr. Davidson then moved to resolve that it is expedient to address the Imperial Parliament, respecting the Duty which it appears to have been intended to lay in Great Britain, upon the lumber brought & imported from the Brit. N. American colonies.

Mr. Speaker said that he thought the motion entitled to a favorable reception by the Committee, as it afforded them an opportunity of acquainting His Majesty's Ministers with the state of the Province and its interests, of which in the present as well as in former instances they appeared to have been unaccountably misinformed. It gave them an occasion to appeal from the hasty decision of these, to the justice of the British Parliament, the liberality of which we had so often experienced. It gave occasion to represent that the rights of an integral portion of the British Empire were neglected, trampled upon, and sacrificed to the interests of foreigners, at one moment allies, at the next, enemies of Great Britain. It gave us occasion to remind the mother country that in return for our sacrifices during her wars, in return for her monopoly of our trade, she owes us her protection whether in peace or in war: that if we adopt measures injurious to any branch of our commerce she must either erroneously or by violence deliver herself to the exercise of the right of the strongest (*droit du plus fort*)—to an act of injustice alike opposed to her own and to our interests.

It was not that he considered the lumber trade as the most profitable branch of our commerce.—The five or six thousand hand

employed in felling and squaring timber and preparing staves, might be more profitably employed in reducing them to potash, and in tilling the soil. But our ports, particularly Quebec, would materially suffer by the loss of this branch of trade which must fail unless powerfully protected. Were even the real loss which the Merchants, Proprietors of Quays, Saw Mills, Lumber Yards, &c. in which millions of money are vested, not so great—would they not have much cause to complain of ministers who in imposing Duties upon foreign timber induced them to embark their capitals in the colonial timber trade—Such sudden and unexpected changes, so capricious in principle cannot but be considered as political crimes—but that which was to us, most alarming, is the indirect attempt of ministers to tax us. To deprive us of the means of taxing ourselves by destroying our trade.—The Imperial Parliament had indeed the right to regulate the general trade of the Empire,—but to regulate trade was one thing; and to ruin it another.—To day we are prevented from exporting our timber, in order to gratify the Inhabitants of the North of Europe, tomorrow we may be prohibited from exporting our flour and potash to gratify the people of the United States, the next day we shall perhaps be forbidden to export our salt provisions to favour the Irish trade—So narrow a policy cannot fail to ruin the Province and enfeeble it to such a degree as to render it an easy conquest whenever a new war may take place with America—Is it to be taken for granted that Great Britain is to prefer the baltic timber, because it can be procured at a cheaper rate than that of North America? as well might it be urged that she ought not to have encouraged the linen manufacturers of Ireland because they could be procured at a cheaper rate in Flanders—As well might it be said that she ought to be tributary to french industry, and not seek to rival her manufacturers of silk—We cannot enter into competition with the people of the North of Europe—Their proximity to Britain affords them the advantages of five or six voyages in the course of a season, while our distance from Europe and the dangers of our navigation afford us but a single voyage, or at the utmost two voyages to Britain. The price of freight and of merchandise brought us are necessarily raised, and the value of our exports are proportionably diminished so as to bring ruin upon such as engage in our trade unless the mother country should protect it. The timber of Russia is not felled by the arms of freemen, but by those of slaves: the property of the great and the wealthy;—wretches sold, hired, exchanged promiscuously with the flocks that stuck the farms upon which they spin out a miserable existence—No such abominable abuses prevail here—Our lumber yards are filled with a free though laborious race of men who know and obtain the value of their labour.

The policy of Great Britain has hitherto been more enlarged, and has told to her advantage. The circulation of her capital through every part of her dominions enriches & strengthens her empire, while the extension of its influence to foreign nations may tend to her disadvantage, by imparting a strength & energy to those nations which may from day to day become hostile to her interests.—Why should she not adopt the same policy towards her colonies, extending over the four quarters of the globe, and rich in all the productions of nature? Let Great Britain attach them by a liberal and enlightened policy. Let her encourage the development of their resources, the increase of their population and their progress in wealth, and her own prosperity will thrive with theirs, who must, necessarily consume her manufactures, and be tributary to her industry. These North American colonies are peculiarly susceptible of a degree of improvement, which, in every point of view, render them one of the noblest appendages of the Empire. Let her learn to enquire into their true interests, and she will find that ere long, her most formidable adversary will be the American confederation. Let her know that the same energy of character, the same spirit and perseverance in trade, the same national pride, and the same enthusiastic attachment to the political institutions of their country, which have constituted the might and grandeur of the British nation, characterise the American people. They believe themselves destined by Providence for a great and a powerful people, and, though in their infancy, their commercial navy may be considered as the second among nations. These ambitious republicans are too greedy of power and conquest not to be watched with attention by England. From what better point can she observe, and more effectually curb them than from this quarter, which, in war, can maintain her army, and in peace, become the channel for the introduction of her man-

and preparing slaves, inciting them to revolt, particularly Quebec, would bring trade which must fall a real loss which the Lumber Yards, &c. not so great—would instigate who in import to embark their sudden and unexpected but be considered as alarming, is the invention of the means of Imperial Parliament de of the Empire,—win it another—To her, in order to tomorrow we may be able to gratify the people all perhaps be forbid trade—So narrow and feeble it to such whenever a new war is granted that cause it can be pro- America? as well might enraged the linen man- occurred at a cheaper that she ought to be rival her manufac- with the people of in affords them the of a season, while our navigation afford voyages to Britain. Right are we necessarily proportionately diminished in our trade unless number of Russia in slaves: the proper- hired, exchanged arms upon which abominable abuses free though labo- of their labour.

more enlarged, ion of her capital strengthen her em- nations may tend ergy to those na- tional to her interests. policy towards her of the globe, and Great Britain attach et her encourage ease of their po- own prosperity. fully consume her. These North a degree of im- under them one of learn to enquire at long, her an confederation. character, the same national pride, and al institutions of right and grandeur in people. They a great and a their commer- These and conquer not from what better them than from her army, and in of her man-

tures into America. She can, and she ought, in gaining friends the United States, to induce them to abandon their projects of grandismen. To sow division among them would be base & unfeeling... To fancy that they would again be made British subjects is extravagant, but England may so conduct herself as to make it the interest of the greater part of the union to be at peace with her. The State of New-York, already the most powerful in their union, by its position, its extent, the fertility of its soil it must necessarily be susceptible of a greater increase than any of the States east of the mountain, that of Vermont, and a part New-England, may, in time, become the natural Allies of Great-Britain. Let her encourage the Canadian trade, and allow our exports to be freely sent to the most profitable market. Let duties be imposed upon such as do not immediately issue from her own Colonies. The Rivers Saint Lawrence and Champlain, the Chaudiere and Saint Francois, connected with the Kennebec and Connecticut, will send to Quebec sufficient produce to load hundreds of British Ships, which, without this policy, will turn to the advantage of the American trade. To turn the internal commerce into their own ports, they are, at this moment, making the most gigantic efforts, by opening canals to communicate with the lakes, a project, which the slight exertion on our part, with the natural advantages we possess, would frustrate: but to make the exertions which are requisite on our parts, we ought, at least, to have a motive,—but no motive remains to us, when we see our commerce threatened to be sacrificed to the interest of Foreigners. To day our lumber trade is ruined. The Act, which last Session, was passed for the regulation of our commercial relations with the neighbouring States, has been laid on the shelf, and, perhaps, to-morrow, we shall learn some other disadvantage, to which we are to submit. Is it not unworthy of English honor and the good will of the British Government, to trifle with principles which it has already consecrated. Was it merely because America was in arms in 1778, that the Parliament renounced the right of taxing? or was not this renunciation rather the triumph of that constitutional maxim, which establishes, that the people shall not be taxed otherwise than by their Representatives freely elected? This right of being taxed by only ourselves, is secured to us by our Constitutional Act;—but is it respected by ministers, if, from ignorance of our wants, they begin to bring ruin upon us? He would certainly admit, that, for the common advantage of the Empire, the Imperial Parliament had a right to regulate, even by taxes, the commodities interchanged between County and County, Province and Province, but if this right were abused, it might be asserted that by a *jeu de mots*, by an unworthy subterfuge, it had reassumed the right, which, on a former occasion, it had solemnly renounced. Local Legislatures exist in all the colonies remote from the Seat of Government, who, like so many vigilant centinels warn it of the good and the evil which the measures of Government may cause to the Provinces. Let us, therefore, humbly hope, that our representations may ultimately meet with some attention in Britain. If not; let the people of that country know, that the injustice meditated against our trade, will be exercised against fellow subjects, against men who have exemplified their attachment to Britain, by the efforts and sacrifice which they have courageously sustained during the late war, —against men who desired more and more to be united with them by the ties of affection and of interest, who believed them selves up to the pleasing error of believing themselves entitled to the equal protection of their Government, whether they resided in London or in Quebec.

Mr. Andrew Stuart—had not been aware that the present subject was to have occupied the attention of the House on the present day, and he therefore felt himself unprepared for the discussion of so important a subject—He had some time since heard of the proposed Duties upon the British North American timber, but it had appeared to him so improbable and impolitic a measure that he had considered it as a mere commercial report and unprepared as he was to meet the subject, he would have remained silent, had it not been so closely connected with the vital interests of this Province. The relation between the mother country and this Colony was easily conceded. On the one hand there was unquestionably a right of exclusive trade, for such a right was invariably asserted and exercised by all

nations with respect to their colonies. And on the other hand the colony had a right to expect protection and a fair and equal participation in all the rights and advantages of British subjects. With respect to the duties proposed, he maintained, that, according to the spirit of the 14th of the King, (or the Quebec Act) they ought not to be imposed on our trade. It was contrary to the faith of an Act of the Imperial Parliament. Previous to the revolution in the States, the laws of shipping and navigation had been very imperfectly carried into effect, & they, therefore, possessed advantages which this Province has never experienced. Great Britain, he believed, had not, since the Statute to which he alluded, imposed any taxes upon colonial produce. Such a precedent, would, he contended, be extremely impolitic and dangerous, for it must be apparent to every understanding, that if Great-Britain exercised the right of imposing duties upon our colonial exports, and at the same time exclusively monopolised our trade, the boon held out by the 14th of the King was nugatory and illusive. If we are obliged to take our produce to the British markets only, and then to pay a heavy duty upon that produce, what is it but fixing a price upon it, at which, probably, we cannot afford to send it to them, without a certain prospect of ruin to the merchant who risks his capital in so precarious a trade. Our trade with the mother country is a trade of barter, and whether taxes be imposed by the latter on our exports or imports, amounts nearly to the same thing. The principle of taxing our trade, he thought, highly impolitic, and, indeed, unjust. He thought it contrary to the spirit of the Act to which he had already alluded, and, he felt persuaded, that his Majesty's Ministers, upon a proper representation of the subject, would be induced to relinquish their intention of adopting a mode of taxation which must at once be injurious to the mother country, and ruinous to the Trade of this Province.

Mr. Taschereau made a distinction.—As to the right of taxing her own trade, he conceived the mother country unquestionably possessed it—England, very legitimately, might tax the colonial produce, and it ought to be recollect that this Province at the present moment even exercised the same right upon British manufactures imported into and consumed in this Province, but the Expediency of the measure he thought a very fair subject for discussion and it was his opinion, that as Great Britain exclusively employed the benefit of our trade, any tax that might be the means of suppressing the exportation of Lumber, must not only be impolitic in itself but by restricting the growing commerce of the Colony would ultimately be felt by the mother country which however, he felt confident would always be disposed to pay a ready attention to any proper representation from the Province on a point so essentially connected with its interests and which it must be acknowledged were at the same time inseparable from those of the mother country.

Mr. Davidson's motion was unanimously carried—it was therefore resolved accordingly—A Committee of five Members were appointed to draw up an Address to the Imperial Par- ment.

MONDAY, 16th FEBRUARY, 1818.

In Committee of the whole House on the State of the Inferior District of Gaspé.

Mr. Cockburn moved to resolve as the opinion of the Committee, that it is expedient that Commissioners be appointed to investigate the Claims of Inhabitants and others, to Lands in the Inferior District of Gaspé.

Mr. Taschereau observed, that the subject submitted to the consideration of the Committee was of much greater moment than was generally understood—It related to the interests of no inconsiderable portion of this Province, and indeed, in a commercial point of view, the most important point of Lower Canada, but which hitherto, had been so far neglected as to be almost unknown.—He considered the Inferior District of Gaspé, as a District of the utmost importance to the Fisheries of this Province, which, by the indifference of our Merchants, had been monopolized by the Traders of the neighbouring Provinces, who had enriched themselves by the lucrative trade which they were enabled to carry on by the product of our Fisheries, with the West Indies, which might, with respect to the Canadians, be said to be almost exclusively in the hands of the Merchants of Nova Scotia, whose enterprise was not far inferior to that of the Americans. The latter had amassed incalculable wealth from the Gulf, which by its relative position, afforded us the greatest facilities for carrying on the Fisheries, on our own account.

If there were no other motive for taking the state of the District of Gaspé into consideration than for the purpose of finding employ for the numerous River Craft, which since the Steam Boat Navigation, have become useless, he thought the attention of the House would not be improperly occupied on the present subject.—There were perhaps, at this moment, upwards of a hundred small vessels entirely out of service, and where could they be more usefully occupied than at the Fisheries in the Gulf?—These at once afforded our Merchants an opportunity of entering into a lucrative Commerce, employed our vessels, and would prove a nursery for Seamen.

He observed, that the Agricultural Interests of that District urgently called for immediate relief. The situation, the soil and climate of that portion of the Province was represented, by persons upon whom he could depend, as excellent; large tracts had already been settled upon and cleared; and the ground had been found to be every way productive, and the Country in general peculiarly adapted to Agriculture and for the Location of Settlers and Emigrants, who, it might naturally be expected, would crowd upon us, if suitable spots were appropriated for them, and he contended, that in no part of the Province could poor Settlers establish themselves to such advantage, as in the neighbourhood of the Sea, where the Fisheries would materially contribute to their subsistence, until the grounds were sufficiently cleared to raise corn.

Members would perhaps learn with surprise, that the small progress experienced by Agriculture in that District, had been solely owing to a want of attention by the Legislature to its interests. He was confident of being correct in asserting, that there was not a single individual in the whole District who held a legal title to his lands, other than that of occupancy.—The delay which had unaccountably taken place in giving titles to the Settlers in those parts, had almost totally discouraged the people who had spent their youth in preparing farms, which by fraud or intrigue might be wrested from them—it could not be expected that they could labour with cheerfulness in the improvement of property, of the enjoyment of which they were uncertain, and which might be hereafter taken from their children.—This circumstance alone had been so discouraging to many inhabitants in that District, that they had abandoned their possessions and gone elsewhere, and unless some speedy and effectual measures were pursued to secure the industrious people of that district, in the enjoyment of their lands, it would be no surprising event if the whole District were in the course of a few years depopulated. It could not be presumed, that while things remained in the same state, new Settlers would undertake to make any improvements in those parts. He believed, the chief difficulty which had hitherto prevented Government from issuing their titles, was the competition of claims from several persons to the same lands in that District; and that the Government had purposely withheld them until legislative provision were made, with a view to avoid any involuntary wrongs which individuals might sustain on the part of the Government, from a want of some previous investigation of their pretensions.

Their principal grievances consisted in a want of titles to their lands, and in the want of a more efficient organization in their Judiciary System, which he felt himself justifiable in particularly observing, as his information in this respect had been derived from the respectable person entrusted with the administration of Justice in that District.—A remedy for these evils was sought for by the inhabitants of Gaspé, and they sought it as a matter of right from the Legislature—not as a favor. A Statistical Account had been shewn him of the Revenues annually arising from the Trade of that Country, which, limited as it was, afforded a sum of about fourteen hundred pounds currency, and which, after paying the whole amount of its own civil expence, (say seven hundred pounds annually,) leaves a balance of about seven hundred pounds in favor of Gaspé, and which he understood, had been accumulating for some years, and actually amounted to several thousand pounds.—Supposing then, that the population of the District in question amounted to five thousand souls, who, if poor, as they necessarily must be, under their present disadvantages, can afford to pay a revenue so considerable, what would they afford with proper encouragement and protection from the Legislature? He thought the subject required immediate consideration, and the more so, as it had been thought by His Excellency the Governor in Chief, whose vigilance and solicitude for the general welfare of the Province was so well understood as to require no comment, a matter deserving the attention of the Legislature. The hon. mover, (Mr. Cockburn) contemplated the establishment of a board of Commissioners to ascertain the pretensions and claims of persons to lands in that District, with a view of reporting the same to Government, in order that occupants and claimants might speedily obtain their Titles; and as far as he had been able to collect, from persons interested in that District, this

measure appeared to be in conformity with the general sense of the Inhabitants. If, however, any other mode of obviating the evil complained of, should, in the course of the present session be devised, more conducive to the purposes to which the attention of the House was then directed, he would most cheerfully concur with those who might feel disposed to promote an object, which he really conceived to be of much importance, not only to the District in question, but to the Province at large. Mr. Taschereau, in concluding, made some further observations on the expediency of making some amendments in the Judicature Act, as far as it regarded Gaspé, which, he said, had been found to be attended with much inconvenience in that District.

Mr. Davidson had not hitherto felt himself sufficiently acquainted with the local interests of Gaspé to address himself to the House on the subject.—He had however, a knowledge that the Fisheries were carried on to a considerable extent in that district, and he believed, that with some attention from the Legislature, they might become an object of very great importance to the Province.—He had been credibly informed, that those Commercial Establishments which had been carried on in the Bay of Chaleurs and Gaspé, had been found advantageous to the Merchants concerned.—He mentioned Messrs. Charles Robins & Co. who for many years past had carried on business in the District of Gaspé, on a very extensive and profitable scale.—It certainly was high time that something should be done for Gaspé, and he could only account for the seeming neglect which it had hitherto experienced, by its remoteness from the capital, and the difficulty of obtaining that plenary information on the nature of its local and commercial necessities, which the Legislature had a right to expect, previous to the adoption of measures with relation to the District in question.—He now had learnt for the first time, the extraordinary fact, that the whole of the inhabitants of Gaspé were without titles to their lands—this in itself, he conceived to be sufficient to retard the progress of Improvements of every description in that district. Security of property, was the greatest, and perhaps the only stimulant to all human industry, for where was the man who would labour with cheerfulness and spirit in the improvement of a Farm in the possession of which he did not feel himself perfectly secure—He most willingly would concur with the Hon. Member, in promoting the laudable purposes of the measure which he had just now introduced.

Mr. Cockburn, (for Gaspé) said, he had, formerly, had an opportunity of acquainting himself with the locality of the county he had the honor to represent, and he could confidently state to the committee, that the district and county of Gaspé, contained a great quantity of excellent land, and that the agricultural capacity of the District, was not inferior to that of any part of Lower-Canada. The great disadvantages under which the Inhabitants were placed had however the effect of retarding the general improvement of the District, which unless some remedy were speedily adopted, would in the course of a few years dwindle to nothing. He himself knew to a certainty that some families had recently abandoned the District from the discouraging circumstances under which it was placed, he had been induced to bring forward the present measure from a thorough conviction of its expediency, and he was glad to find that Members had taken so liberal a view of the situation and wants of his constituents.

The motion was accordingly adopted, and the committee having reported, Mr. Cockburn moved for leave to introduce a Bill "for appointing Commissioners to investigate the claims of persons to lands in the Inferior Districts of Gaspé, and to secure the inhabitants thereof in the possession and enjoyment of the same, and for other purposes," which was granted.

The Bill was accordingly introduced and read for the first time. Second reading ordered for the 25th instant.

Mr. Taschereau then moved, that the committee be instructed to report on the expediency of amending the Judicature Act, as far as regarded the Inferior District of Gaspé.

Mr. A. Stuart heartily concurred with the learned member for the County of Dorchester, in the opinion of there being much propriety in affording every facility on the part of the House, to enable government effectually to examine the claims of persons to lands within the District of Gaspé, which had been long deferred, and that this circumstance, he believed, had certainly much retarded the progress of that District, which was in point of extent, the largest in the Province, and possessed of many natural advantages, both of a maritime and agricultural nature. The claims in question, from the lapse of time since the giving out the Certificates which

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29 PARL. REGISTER, 58 GEO. III. 1818.—*State of Inferior District of Gaspé.* [30]

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as soon after the termination of the American war, in 1783, had become complicated, inasmuch as many transfers of the original interest vested by certificates had taken place, and many of the present claimants, are either descendants from the nominees or persons named to the occupancy thereby, or connected with them through a chain of intermediate purchasers. In the legal interpretation of Titles however, strictly taken, not one of these persons can be regarded but as an occupant, although in every consideration of an equitable nature, that possession must attach the idea of property to it. The examination of the great number of such derivative claims to lands in Gaspé, can only be made effectually through the medium of Commissioners, and he should, therefore give that plan his cordial support. The measure would be a salutary one, and would powerfully contribute to efface the melancholy impression which in that district, had long taken place, that it was both remote and neglected.

On the expediency of granting further supplies for the completing and finishing the Gaol and Court-Hall at New-Carlisle, he would not occupy the time of the House at present, for, he believed that matter would more properly become the enquiry of a Special Committee, which he had no doubt, should receive every satisfactory information as to the same. He was led, he said, to take notice of the inconveniences complained of by Petitioners residing in the District of Gaspé, for want of sufficient Jurisdiction of the Provincial Court, the cognizance of which was restricted to the sum of Twenty pounds sterling. He had no doubt in his mind but that the above representation of inconvenience was well founded. The Petitioners were of the most respectable description in that District, being actually in the Magistracy, so that their representation derived credibility from that circumstance, but, in fact, they were, in point of interest, deeply concerned in the event of the proposed alteration of the Judicature Act. As far as regarded the district of Gaspé, the words Magistrate and Merchant were, it might-be-said, synonymous or convertible terms in that district, and in the latter capacity, they had no doubt, fully experienced the evil for which they prayed a legislative remedy. If we, indeed, attend for a moment to the history of a suit at law, instituted by a Plaintiff resident in the district of Gaspé, in the Court of King's Bench at Quebec, it will be plainly seen that the remote situation of these in respect to each other, must render nugatory the legal remedy afforded at the latter place, and must inevitably operate as a serious discouragement to creditors making their just demands. For the time he had attended at the Bar of Quebec, he had witnessed but few instances of Litigation there, originating from the district of Gaspé, and was led to impute the circumstance to the same cause as the Petitioners have done, and not to want of business there. The absence of Litigation, he was aware, might be also imputed to the influence of moral habits, as well as to the existence of trade and population, for to his knowledge, some parts of the Province on a parity as to these, were, nevertheless, widely different in respect to the production of law suits. Litigation, however, is as often a test of public prosperity, and may be regarded as one of the evils naturally concomitant on an increasing commerce and population, and is just in the same proportion, or, perhaps, a greater one. The detail of a Suit at Law in the Court of King's Bench at Quebec, betwixt parties resident in the district of Gaspé, will clearly shew how much the different proceedings, which must take place, must be injuriously delayed, by the great distance of the District from Quebec. In the first place, the party living in the district of Gaspé, and desirous of suing another inhabitant there, in the Court of King's Bench at Quebec, must attend for that purpose, or send up instructions to a Counsel or Attorney, to sue out and transmit to the Sheriff of Gaspé, for service, a summons, which, by the Judicature Act, can only be returned in the terms of June or October. The summons served is next returned, the parties then come to join issue, and a commission is sued out directed to the Provincial Judge of Gaspé, to take the deposition of the witnesses living there, and this is transmitted, executed and returned. Then follows Judgment and Execution, to be sued out and transmitted to the Sheriff of Gaspé, who levies and makes his return to the Court at Quebec. Here are, therefore, no less than six different proceedings, each of them subject to the delay of a passage betwixt Quebec and the District of Gaspé, and when the distance the most direct may be from 450 to 700 miles, the going of a suit at law, may extend to several thousand miles, ...about

speaking of the circuitous occasioned by storms and tempests, or the total failure of a conveyance, by shipwreck. How many attendances then at Quebec by the parties! what tedious delays from year to year by the length, the uncertainty, & the risks of the conveyances! All productive of great expense and often personal misery. The change of the Judicature Act so far as it regards the District of Gaspé, by enlarging the Jurisdiction of the Provincial Court to the sum of Sixty pounds sterling, with an appeal to the Court of King's Bench at Quebec, in all cases where the sum may exceed Twenty pounds sterling, was, therefore, in his opinion, of the most urgent expedite, which, while it would have the advantage of removing all the difficulties at present incident to necessary litigation, would not, in fact, operate much to extend the powers of the Provincial Judge, in cases of equal or greater importance, for it must be remembered that, where witnesses in a cause reside in the District of Gaspé, they are not required by the Court of King's Bench to attend at Quebec, but they are examined in the District where resident by the Provincial Judge, by virtue of a writ of *commission rogatoire*, and upon whose reception of evidence in the cause, the Court of King's Bench pronounces Judgment.

No doubt, from the adoption of such measures for the welfare of the District of Gaspé as proposed by the two first cases of the Gaol and Court Hall, and the appointment of Commissioners to investigate all claims to Lands to be considered by the House, there would arise pecuniary demands, but he was happy to state, that from the information he had been enabled to derive concerning the District of Gaspé on the matter of its Revenue, it might fairly be considered that the latter would prove commensurate to the former, and that in fact the expence of these improvements and advantages would be defrayed by the district itself.

The revenue arising from the District is collected in two different ways, which may be said to be direct or indirect; the first mode is through the Agency of the Deputy Collectors of the Customs established in the said District, at Gaspé Harbour and New Carlisle; and by the latter mode the Custom House Duties are collected at Quebec, but the articles on which these are raised are consumed in the District of Gaspé.

As in both cases the consumption of the dutiable articles takes place in the District of Gaspé, it is evident that in one or other of the above ways, it is that District which furnishes or yields the revenue.

For a Statement which he should have the honor of submitting to the House, and which has been alluded to by the Honorable Member for the County of Dorchester, being a compendious Statistical View of the District of Gaspé in its Fisheries, Commerce, Revenue, &c. he could take upon himself to assure the house of its correctness. It had been drawn up by Justice Crawford of that District, who, from the general intelligence he possesses of the situation and circumstances thereof, acquired by a long residence, in the discharge of his official duties, may therefore be well entitled to consideration.

The seal of that gentleman in advancing the interests of that District, by originating, and at great personal inconvenience attending to the details of every public measure, which the Government or Legislature have hitherto deemed expedient for execution therein, had led him, on this occasion, to elucidate these matters in the above form, in the expectation of thus contributing by accurate information, to the further advancement of the welfare of the District.—Mr. Stuart then read over the Statement, which we have taken from the manuscript, and here give it verbatim.

*A Statistical View of the District of Gaspé, in its Fisheries, Agriculture, Population, the Revenue and Expences attending it.*

#### FISHERIES

Are Sedentary or not Sedentary; the greatest part of the Cod-Fishery belonging to the District is of the former description, carried on in open boats measuring 18 feet length of keel; and the part of the said Fishery not sedentary is carried on by Schooners which proceed to a distant fishing station, such as the Orphan Bank, &c. There are about the number of ten or twelve schooners thus employed for the space of two months in the year.

The number of hands employed in a fishing voyage by each of the above schooners, is usually eight or nine persons—and in the sedentary fishery each boat is manned by two fishermen, so that the employment given by this branch of the fishery is extensive, there being not fewer than four hundred boats of the above description actually fitted out and employed from day to day nearly the whole period of the fishery, which begins in May, and ends in October. The fishery so conducted, is distinguished on the Coast of Gaspé, into the Summer and Fall Fishery, the first of

these being the most considerable, and affording employment to a number of transient persons from the lower parishes of this Province, and it is supposed, the extent of the last description of persons acquiring their livelihood in the Gaspé Fisheries, may have varied in different years, from the number of three to five hundred, being drawn from the parishes about Quebec, ad on the River St. Lawrence betwixt that and Green Island.

The Sedentary Cod Fishery, besides the Fishermen employed on the Coast in the boats used for it, gives much additional employment ashore to a great number of persons of both sexes, in the Curing, Salting, Drying, Inspecting, Weighing, Packing or preparing otherwise the Cod Fish for being shipped for Market, according as the exportation may be in barrels or bulk.

It may be fairly concluded, that the total number of persons employed by the Cod Fishery, cannot be less than 1700, & that the produce of their labour exported from the district, rises to the extent of from 40 to 50,000 quintals green and dried Cod Fish, and also from 15 to 18,000 gallons of Cod Fish Oil. In the course of the employment of the above part of the Population of Gaspé, there is an additional produce acquired by their Seining Herrings, and from 3 to 4000 barrels are commonly caught yearly, a part of which is exported from the District smoked or pickled.

The Salmon Fishery is partly on the Sea Coast, but chiefly followed in the Rivers.—The principal fishery of this kind is in the River Ristigouche, the North Side of which is in the District of Gaspé, and the South side of it in the Province of New Brunswick. The produce of this River, on both sides, has often, it is commonly understood, been as much as 3000 barrels, weighing c. 200 lbs net. A good many of the persons employed by the Salmon Fishery contribute nothing to the Cod Fishery, so that this circumstance points out an addition to the number of productive above stated.

The Whale Fishery is carried on from the Bay of Gaspé, and employs generally 6 or 7 stout schooners, manned by 8 or 10 men each, and with the people employed ashore in boiling the blubber, making barrels, &c. forms an employment of about 90 persons of both sexes, and the same remark may be here repeated, that their number forms an addition to that otherwise employed by the above two branches of the Fisheries.

About 15 or 18000 gallons of Whale Oil are shipped from Gaspé Harbour to Quebec, as the produce of this Fishery. These Fisheries give employment yearly to seven or eight square rigged vessels, carrying the produce arising from thence to different markets in the south of Europe, besides from 30 to 35 schooners belonging to the District employed in the coasting from thence to Quebec or Halifax, by the carrying to these markets the remaining part of the above produce sent out of the District.

#### POPULATION.

The Population of the District of Gaspé at the present date, is not supposed to exceed 5500 souls, including even the number of transient fishermen repairing to the District in the Spring and leaving it towards the Fall.

#### SOIL AND CLIMATE.

The North Side of the Bay of Chaleurs, which is within the District of Gaspé, is propitious as to soil, and the Climate more genial than the rest of the District that is situated on the Gulf or River St. Lawrence. There are considerable Tracts of Land fit for the purposes of Agriculture in the Bay of Chaleurs, in the first Line of Settlement, which are not yet conceded. The tract of land betwixt the Black Cape in New Richmond and Little Bonaventure, about eighteen miles in length, is of that description, and also the tract betwixt East Nouvelle and Fort Daniel, about seventeen miles in length. The concession of such vacant tracts to the Children of Settlers in the District, would become of general utility to the District, as well as a grateful relief to many large families, residing on a piece of land too small to admit of partitioning or being dealt in parcels, according to the necessity arising of their forming separate Agricultural Establishments, or otherwise of abandoning the District.

#### REVENUE AND EXPENDITURE.

The Revenue is collected within the District of Gaspé by the Deputy Collectors of the Customs established there by the Collector at Quebec, and there are two Deputy Collectors, the one established at New Carlisle for Chaleurs Bay, and the other at Gaspé Harbour for the other parts of the District. The vessels arriving and entering with the Deputy Collectors, are from Europe and Halifax, and bring to the district a considerable quantity of dutiable commodities; but it may here be observed, that an exportation of produce is made to Quebec and Montreal, and for which there are returns made in dry and wet goods; a large portion of these are dutiable articles which have been entered at Quebec as importation, and as the consumption takes place in the District of Gaspé, the Revenue may be properly viewed as coming from thence, and must be added to the amount which ap-

pears to be collected directly in the district by the Deputy Collector there.

#### GASPE HARBOUR COLLECTION.

Years 1. Collected in 1812 and settled for				
in 1813,	-	-	-	£419 9 1
2. Do. 1813,	-	do.		
1814, -	-	-	377 5 0	
3. Do. 1815	-	do.		
1816, -	-	-	487 17 8	

The above were noted from the Custom-House Books of the Port of Quebec.

4. Collected in 1814 and settled for in 1815, not known, the Custom-House Books being before the Executive Council, but it is supposed that without any exaggeration it may be averaged with the above three years

5. Collection actually made in 1816 unknown, and understood the vessel by which the return of the duties received had put back to Gaspé late in the fall in distress, but it may be averaged as the above

6. Collection in 1817, also averaged 409 1 7

cannot be known before 1818.

409 1 7	£2454 9 6
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#### NEW CARLISLE COLLECTION.

Years 1. Collected in 1812, and settled for				
in 1813,	-	-	-	£111 3 2
2. Do. 1813,	-	do.		
1814,	-	-	484 5 11	
3. Do. 1814,	-	do.		
do. 1815,	-	-	423 7 8	
4. Do. 1815,	-	do.		
do. 1816,	-	-	498 7 6	
5. Do. 1816,	-	do.		
supposed to average the above,	-	-	468 13 6	
6. Do. 1817, do. do. do. 1817,	-	-	468 13 6	

£2454 11 0

Stamp Duties for retailing Spiritous Liquors in the District of Gaspé, the payment thereof much evaded, the amount collected not known, but it is supposed with probability that the last 6 years, must have yielded less or more

In 1815 there was cleared out from the Port of Quebec, for the District of Gaspé, say 60 schooners, from 30 to 90 tons, the above number including two or three for Cape Chat, the east part of which settlement is in the above District, and it is calculated that on an average they must have carried with them dutiable commodities, each, say, yielding an amount of Duty at the port of Quebec, to the extent of £10 currency, which forms, consequently, a yearly revenue of £600 currency, and for the space of the last 6 years, £3600

160

#### EXPENDITURE.

The Civil List as peculiar to the District of Gaspé, by the payment of the Salaries of Officers discharging local duties:

Provincial Judge, - £400 Sterling.

Clerk of the Courts of Justice, Salary and Contingencies,

Sheriff, - 65

Grand Voyer, - 85

School Master at New-Car-

lie, - 45

£ 640

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£2454 9 6

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1 5 1 1 1

1 7 8 2

1 5 6 3

£2454 11 0

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£8669 0 6

	Amount brought forward £8669 0 6
Add 1-8th to reduce into Currency,	71 2 8½
Currency,	£711 2 8½
Multiply by 6	6

Expended the last 6 years, £4286 13 3 Cury.

To the above may be added a salary to an Officer during four years of the above period, whose duty it was to act as the Conservator of the Fisheries to the westward of Point Mac-Karel, but the said office ceased with the Fishery Acts, expiring nearly two years ago.

Add also one year's salary given to a late Institution of the office of School-Master at Douglas Town, in Gaspé Bay, but which has been for some time vacant

Official Establishment for the last 6 years £4536 13 5  
Grants of Money for the New Carlisle Gaol and Court Hall at New Carlisle expended £2100

Part of the Grant for the Gaol & Court Hall at Percé, in making a Road, preparing the lot for a Seite, &c.—has been expended nearly

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— 2190 0 0

6726 13 5

£1942 7 5

Surplus from the District of Gaspé in the last six years, remaining unappropriated for its benefit.

#### SUMMARY DEDUCTION.

That the average Income of the District of Gaspé by the consumption of Dutiable Commodities paying either at the Quebec Custom House, or at the Deputy Collectors' Custom Houses in the District, calculated on the supposed Returns of six years preceding this date, is £1444 16 10½

That the present Annual Expenditure, by the payment of its Officers locally residing, is

Surplus yearly

That the District of Gaspé, after defraying by the Revenue it affords, the Salaries of Officers locally residing, and discharging Duties to the Provincial Government, and also the expence hitherto incurred by the Gaols and Court Halls to be established therein, appears at the end of the last six years to have yielded a surplus of £1942 6 3

MONDAY, 25th, FEBRUARY, 1818.

#### STATE OF HIS EXCELLENCE'S HEALTH.

Mr. Speaker—acquainted the House that he had just received from the hands of Mr. Secretary Cochran, a Letter from the medical Gentlemen attending upon his Excellency the Governor in Chief, which he conceived it his duty to communicate to the House.

The Letter is as follows:

As we consider it of public importance that an Official Communication should be made to you upon the subject of His Excellency the Governor in Chief's Health, we beg leave to lay before you the following Statement:—That His Excellency's Health has considerably improved, but that it will be necessary for its perfect re-establishment, that his return to public business be as gradual as possible, and for the present that he should be relieved as far as practicable, from attention to matters of importance, consequently an early termination of the present Session of the Provincial Parliament is, in our opinion, most earnestly to be desired as a measure essentially necessary to His Excellency's recovery.

(Signed) J. WRIGHT, M. D.

W. HACKET, M. D.

Mr. Guy seconded by Mr. Taschereau moved that the said Letter be referred to a Special Committee of five Members to obtain the most ample information of the state of His Excellency's health, and to report the same with all convenient speed with power to send for persons.

Mr. Ogden said, he considered the proceeding an extremely singular one, as it appeared by the Letter that His Excellency

was much better, a circumstance gratifying to Members who had uniformly evinced the most anxious solicitude for the situation of His Excellency's health, and now that His Excellency was fast recovering it was proposed to enquire into the state of his health. He (Mr. O.) thought that previous to the adoption of such a measure the Honorable Gentleman for St. Maurice, ought to explain the reasons which induced him to propose it.

Mr. Guy explained—that there had been rumours of a prorogation, and it was to set such rumours at rest that he wished the investigation; he considered the Letter from His Excellency's Physician as a sufficient foundation for it and therefore should persist.

Mr. Ogden said, he was very far from thinking the Letter a sufficient foundation for such an enquiry. Part of the Letter he conceived to be an insult to the House and regretted much that Mr. Speaker after reading it had not laid it aside, so that it might not appear on the Journals of the House; he said that if it was permitted to two medical Gentlemen, to dictate to the House in the terms contained in that Letter it would be admitting as a precedent, that any individuals in the Society might do the same, and that the House might be entertained from day to day with similar *dictates* through the Channel of the Speaker of that House; in fact it would be admitting that all the Private Correspondents of the Speaker, were entitled to a page in our Journals. The Honorable Member for St. Maurice, ought not to attend to idle rumours of a Prorogation. He (Mr. O.) had also heard it, but neither prorogation nor dissolution ever alarmed him so long as he was satisfied he did his duty on that floor. If the House were disposed to institute the enquiry he would be extremely happy to unite in it, but that it should emanate from the House, and not from the order of the Medical Gentlemen in question: with that view he would propose an amendment to M. Guy's motion, "that a Special Committee of five Members should be appointed to obtain the most ample information upon the state of His Excellency's health." He acknowledged it appeared to him rather late in the day to make the enquiry as His Excellency had been indisposed nearly 3 weeks, and was now recovering.

Mr. Taschereau was of opinion that the principal motion ought to be acceded to, that the Letter was the best and only foundation for the enquiry.

Mr. Borgia was not disposed to acquiesce in either. He saw no necessity for the enquiry. He agreed with the Honorable Member from Three Rivers, that the Speaker had better have laid by the Letter, or have put it into his pocket, but that if any motion was to be made he should be induced to adopt one which should bring the two Medical Gentlemen to the Bar of that House to answer for their temerity, and that if no body else made it, he would.

The Question being then put the House divided for Mr. Ogden's motion

against it	6
	17

for the principal motion	10
against it	12

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Mr. Borgia, moved that the letter communicated to the House by Mr. Speaker be expunged from the Journals, and that the said letter be returned to the Speaker.

Mr. Speaker refused to receive the motion as it was not usual to correct the Journals until they were read on the following day.

Mr. Borgia, appealed from the decision of the Chair.

For the Speaker's decision	17
Against it	3

Mr. Borgia then moved, seconded by Mr. Ogden, that the contents of the Letter communicated by Mr. Speaker to this House, was an infringement of the rights and privileges of this House.

The House again divided.

for the motion	9
against it	13

TUESDAY, 24th.

The House remained with closed doors during four hours. Shortly after, the Galleries were filled, Mr. Ogden, rose and said, that notwithstanding he had succeeded in having the Letter expunged from the Journals of that House, a Letter which was calculated if it had remained there, to endanger not only the rights and privileges, but its very existence, he felt it a duty incumbent on every Member of the House to go still further. The more he heard and thought of that Letter the more he had room to suspect—he was disposed to sift the matter to the bottom—to ascertain whence it originated. There was a something mysterious which he was anxious to bring to light, that suspicions should be set at rest and the guilty punished.

Mr. Ogden then moved, "that a Committee of five Members, be appointed to inquire if any improper or undue influence was made use of to obtain the information given to and delivered by the Speaker of this House yesterday relating to the health of His Excellency the Governor in Chief, and if any, to report by whom with all convenient speed, with power to send for persons and papers.

Mr. Taschereau observed that the Honorable Gentleman from Three Rivers ought certainly to be satisfied that the Letter had been expunged. It was certainly taking up too much of the time of the House, with a matter which appeared to him of little moment, and he hoped he would withdraw it.

Mr. Ogden was far from thinking that he ought to withdraw his motion, every moment confirmed his suspicion that all was not fair—all was not honorable. As to the Honorable Member from Dorchester, (Mr. T.) he could have no fears. There was no man on that floor who could suspect him or any other Honorable Member, of having procured its introduction; therefore why shrink from the investigation? he considered that it would have a good effect, and prevent the repetition of such an act which he considered inconsistent with the honor of the House.

The question was then put and the House divided,

for the motion	9
against it	13

FRIDAY, 27th FEBRUARY, 1818.

Mr. Cuvillier—moved, that a Call of the House be made on Saturday the fourteenth of March next.

Mr. C. then observed, that as the Public Accounts had this day come down, he thought it no more than due to their Constituents to assemble the Representatives of the Province, in order that their sense might be taken on so important a subject as that of a permanent Civil List of some thousands of pounds.—It was notorious to the Public, that the House could scarcely get on with the ordinary public business from day to day, for want of a *quorum*,—nor was it to be expected, that the Members present could assume so weighty a responsibility as that of the payment of the Civil List, in the absence of more than two thirds of the Representatives.

Mr. Figer—observed, that a measure of this importance ought to have been preceded by notice, as he conceived it to be one of rigour, and might occasion very great inconvenience to several Members who were absent from unavoidable causes.—They had been told of a deficit of \$40,000, which it was requisite to provide for the payment of the Civil List; this, he believed, was not correct.—The Provincial finances were far from being in a state of embarrassment—if he had been rightly informed, they were in a state of prosperity; it was therefore a fact, that the Province was not in the least straitened for means to pay the Civil List.—The only thing requisite was an Act of Appropriation, as there was already sufficient money in the Chest for the expenditure of the current year.—It might, indeed, be found expedient to order a Call of the House, but it was at least fair to give a short time to enquire whether it were necessary to do so.—The proceedings preliminary to the adoption of any definitive measures ought to have been observed.—The House say at first to have resolved whether it were expedient to generate a sum without naming the sum. The estimates might then have been taken up in order to ascertain what were the difficulties which presented themselves.—This would, most probably have afforded ample motives for a call of the House, and have justified them in resorting to a measure for which, at that moment, he did not see any urgent necessity, and which certainly would put the Members at a distance to very great inconvenience.

Mr. Davidson observed, that he had considered the question as proposed in the first instance, merely to apply to the necessity or

expediency of a call of the House for the 14th instant, but that out of that had arisen some debates or rather conversation on the estimates and accounts which had just been received. In the question as proposed, he was of opinion, that the measure was unnecessary. There was no new matter proposed—it was only what every Member had been authorized to expect since the commencement of the Session, and to put off the consideration of the Estimates until after the 14th, which must follow if this measure is carried, would tend, unnecessarily, to prolong the Session.—The Estimates were not the very mighty matter which Members might expect from what had been just said.—The House was not called upon to make a List, but to take one, and in compliance with the request of the Assembly in 1810. He had reason to believe that in taking the List it was understood, that no person was to be placed in a worse situation than he now stood, that the Acts of the Crown were to be confirmed; but as respected the sums asked for the Contingent Expenses of Government, they would properly come under discussion when the Expenditure should be accounted for.—He however, wished to be understood, that if on a fair examination of the items composing the Estimates, anything should appear useless or extravagant, he knew nothing to prevent the House to proceed in what he conceived to be a Constitutional manner, by addressing the Crown.—The same would apply to the Non-Residents, on which some steps must certainly be taken.—He had felt himself called upon to speak on a subject by no means connected with the question, and what he said on the subject had been prompted by the reflection of the members only.

Mr. Ogden—expressed his surprise, that at a moment, when a Document of such moment as the Civil List was submitted to the House, that Members could question the expediency of a Call of the House.—Perhaps, Members averse to the motion, might have had the advantage of discussing the List before it had come to the House, and after canvassing the subject, had already made up their minds upon it.—He, (Mr. O.) had not had the same advantage—it was not to be supposed, that the House would be influenced by those to whom he alluded.—He, for one, would not be led, and he trusted, Members would insist upon a Call of the House, as the only fair means of taking up the subject in earnest.—An Hon. Member had termed it a measure of violence, and that at least twenty-four hours notice of the motion ought to have been given.—That it might be attended with great inconvenience and that some Members were absent from illness—these arguments he thought quite unsatisfactory.—The Civil List was, he said, a matter of the utmost importance, and one which well deserved the united attention of every Member of that House.—He did not intend to cast any censure upon absent Members, but it must appear singular, that out of fifty, there were but twenty-two present.—Upon the score of personal inconvenience, he, (Mr. O.) had as good cause to complain as any Member of that House, but personal inconvenience he considered to be no excuse for absence, particularly upon the present occasion.—Gentlemen who found the charge of attending to their Legislative Duties inconvenient, ought not to accept of them.—Members who were present ought, in justice to the Province, to feel it a duty to call the absent Members, whose talents and information were never more essentially necessary than upon the present occasion.

Mr. Cuvillier observed, that he was not of opinion that the House was simply called upon to take the List, and not to make it. The Civil List now belonged to the Province, and could not be withdrawn. He could not agree with Members that it was to be taken in *globo*, without examining the details, which must he presumed have even been understood by Government, as they had sent in the account detailing the salary of the several Officers employed throughout the Province. This catalogue he was disposed to scrutinize with the utmost strictness, and strike off all those pensions and sinecures which were the fruits of corruption in the Mother Country, and which in a Colony he considered as a most scandalous abuse. It was motives of economy, (he was not so simple as to attribute it to a sense of justice) that induced the Mother Country to confer upon the Province the Civil List, and he thought the Province could not pursue a more laudable policy than that which the Mother Country was on the eve of adopting, namely, retrenchment. He had no idea of feeding a flock of idle placemen, who dash about our streets, and manifest no other sentiment than contempt for the people who keep them from starving. It was high time to bring them to a true sense of their intrinsic importance.—He however, would not, for the present, enter into the details of the List, as he should at a future day, take an opportunity of amply discussing it.—He intended to begin with the top of the list, and from the Governor's Salary down to the last Officer, he would strictly investigate every one without exception. (Here some one said—go on—go on)—Yes, he said, he would go on, and see why the Province was to be exclusively saddled with the Salary of the Governor General of British North America.—

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That the Province should pay its Civil Governor he readily would admit—but that the Office of Civil Governor and Commander in Chief should be discontinued.—The Province, in undertaking to answer for its own Civil Expenditure, never intended to pay any thing like a Military Establishment, nor could he see why the surveillance of the Sister Provinces, by our Governor General, should be paid by Lower-Canada. He might still go on, but he would reserve himself for the subject when it would come regular before the house. He thought the question sufficiently important to require a full House. It was requisite to have a full knowledge of the sense of the Province, and to ascertain what was to be understood by the terms permanent and growing expenditure of the Civil Government. These terms were somewhat novel, and they ought to be well and thoroughly understood. He was told of the rigour of the measure with respect to absent members. He thought the absentees intitled to no indulgence, particularly those who had recently absented themselves without leave, who, by right, ought to be put into the custody of the Sergeant at Arms, as a lesson for their future guidance. Upon the whole, he thought it highly expedient, that a call of the House should take place previous to any vote upon a measure which might entail a permanent and growing evil upon the Province.

Mr. Vanselson, was decidedly of opinion, that a call of the House, on a point so important to the Province as the Civil List, ought to take place previous to the adoption of any definitive measures on the subject. With respect to his own opinion on the Civil List, he had but few observations to make. He was disposed to innovate as little as possible, but there certainly were items in that List, which he thought it the duty of that House to scrutinize with the utmost nicety. He contended accounts loudly called for investigation. Mr. V. instanced the items allowed to the Judges for travelling expences, which, he said, had been so notoriously a matter of speculation among their honors, as absolutely to lower them in the public estimation. This he would be disposed to retrench entirely. He thought it would even be better to appoint another Judge at Three-Rivers, than allow a pretext for Judges to go thither from Quebec or Montreal, with a view of making a Job of it. He was sorry to say, that this circumstance, had so far been detrimental to the character which Judges ought to enjoy in the public estimation, that he doubted whether their Honors could be considered as disinterested in cases of *public peculation*, if, by any accident, they might be called upon to decide upon such cases. The expences of Law proceedings on the part of the Crown, he thought another gross abuse. It was proper that one of the Law Officers of the Crown should be paid for business done at Quebec, but to pay an Attorney-General and a Solicitor-General, both resident at Quebec, was, he thought, contrary to all former precedent in this Province. The Solicitor-General, heretofore, resided at Montreal, and the residence of that Officer in Quebec, necessarily gave occasion to employ and pay other Law Officers at the former place. This circumstance contributed not a little to increase the contingent expences of the Province, which it was incumbent upon the House to keep within moderate bounds.

Mr. Borgie—was not, for the present, disposed to enter largely upon the discussion of the Civil List, which, he thought, at the present stage, would be premature. He would reserve his observations, until after a call of the House should be made, which, he thought, was a measure highly necessary. He thought the Civil List not only properly belonged to the Province, but that it was a right which the Province ought strongly to assert. It was the property of the Province, and as such, ought to be paid and vigilantly attended to.

Mr. Taschereau—observed, that the motion for a Call of the House was, as he conceived, unimportant, otherwise than as it tended to prolong the Session, for which he saw no necessity. He thought the measure was fraught with much inconvenience to Members, without any apparent necessity for troubling them. With regard to the Question to be agitated, he thought it of much importance, (meaning the Civil List) and he could not but oppose the Honorable Member for Huntingdon, on the grounds he had taken with respect to it.—The Honorable Member opposed that measure on principle, and for reasons the most extraordinary.—He had manifested his displeasure that His Excellency the Governor in Chief should have £4500 per annum from the Province.—That so many Idlers should be paid,

who in fact despise the Province on which they feed, and who dash about in tandem, and whip the common people in the streets.—That all these wretches should be reduced.—These were, he thought, the sum and substance of the arguments of the Honorable Member for Huntingdon for a Call of the House, and which were levelled at the Civil List.—These arguments were indeed calculated to make an impression in a certain quarter, without any such intention, on the part of the Hon. Mover.—It was not, however, any wish to court the applause to which he alluded, that had actuated the estimable character who proposed the Civil List in 1810.—That Gentleman, in proposing the Civil List, had earnestly studied the interests of the Province, the honor of his Country, and in a word, the free exercise of the Constitution.—He did not look for popular applause, on the contrary, he studied the interests of the public, even at the expense of his own popularity.—He had, however, received the reward which generally availed honest men.—His merit had been acknowledged, and popularity, without being sought by him, had, as it were, run in pursuit of him—happy would it be for the Province, if such were the principles of those who had succeeded him.—He, Mr. T. respected the character of that Gentleman, whom he considered as an able Statesman, a profound Politician, and a man experienced in the affairs of the Province.—It was to him the Province owed the first idea of the Civil List, the acquisition of which he considered as a matter of the highest importance, and the Province could not too highly express its acknowledgments to the first mover of that measure.

The Province had, in 1810, solemnly pledged itself for the payment of the Civil List; the House at the commencement of the present Session, had also pledged itself for the accomplishment of that engagement.—What, then, would be said, if this same House should now evince a disposition to retrace?—What faith, or what confidence could Great Britain repose in them? Would it not expose the Canadian Name to the opprobrium of all the Sister Colonies, and destroy for ever their reputation in the opinion of all reflecting persons?—Such conduct, he maintained, would furnish their enemies with arms against them.—The Province had requested to have the Civil List in 1810, from a sense of duty and gratitude towards the Mother Country, and, he knew not why it should not, at the present day, be actuated by the same sentiment.—Members surely were not anxious to involve their Country so far in a charge of inconsistency, as to render it unworthy of the Constitution, and to induce a belief that it was unable to judge of the importance of measures.—If the Commons of Great Britain owe their influence in the balance of the Constitution to their controul upon the Public Purse when every other source of power has failed them.—If that Purse is the only Constitutional means within their power, of securing the weight they ought to maintain in the Constitution, would not Members be guilty of a species of treason against this House, if through motives of apprehension in giving dispensence in a certain quarter, or with a view of seeking popularity, refuse to this same House the importance which by that means it ought to enjoy; it would be in reality to deceive in the most dishonest manner their Constituents, under the specious pretext of serving them. Would it not be the height of selfishness, to degrade the National Character of our Constituents through motives of popularity tending to private advantage?—In making these remarks, he begged it to be clearly understood, that he by no means intended to attack any individual, much less the Hon. Mover, to whose liberality he was disposed to do the most ample justice—he only alluded to measures.—He observed, that the House was by no means called upon to make a new Civil List.—It was a Civil List which had long since subsisted, and which the Province had asked for: it was a List well known to belong exclusively to the Royal Prerogative in this Province as well as in England—but, say you, we do not refuse it, we only mean to retrace from it.—Let us see the consequences of this retrenching system.—Our List amounts to £75,000, of that sum, £2,000 are already provided for by permanent Acts: there remain, therefore, but £40,000. Of this last sum £12,000 are expences of the Legislature, annually provided for by Acts of Appropriation or Votes of Credit: £10,000 more, go to the maintenance and support of Houses of Correction, Foundlings, Insane and Infirm People, and other Charitable purposes annually provided for by the Legislature; there therefore remain, but about £18 or £20,000 of this Civil List to be provided for.—Now he would ask if Great Britain ought to be exposed to the insult of seeing this Civil List (for the maintenance of which her honor stands in some measure pledged) torn to pieces, in order to avoid the payment of so paltry a sum? Would she renounce the Important Privilege which she now conferred on us, without requiring some equivalent? If we reduce, as proposed by Gentlemen, the sum in question, this small balance of the Civil List will be reduced to nothing, and we shall be precisely in the same situation in which we formerly were: in other words,

we shall have nothing at all to pay, and then farewell to that Civil List for which we have been so eager, and which we have affected to consider as a matter of such extraordinary importance—This £90,000 is about half the Annual expence of a regiment in the British service, and members might rest assured that Great-Britain, rather than have any difficulties upon the subject, would most willingly withdraw the bone of contention. In commencing, as proposed by the hon. member for Huntingdon, to reduce the salary of the Governor in Chief, would be to commence on a point the most delicate and offensive to the dignity and independence of the Crown, which solely was invested with the power of appointing to that elevated Office, and, necessarily, of conferring such salary as it might deem suitable to the dignity and importance of its Representative in this Colony,—but, says the hon. member, our Governor in Chief has the supreme command of these Colonies in British North America, while he is paid by us only. The hon. Gentleman takes it then for nothing, that we have the advantage of being the seat of Government in British North America; that we have the benefit of all the advantages incident to this circumstance, and a considerable military establishment exclusively paid by Great-Britain. Let us for an instant suppose, that we should refuse to pay the first Magistrate of these Provinces, and that the British Government should, in future, fix his residence in some of the sister Provinces. It would then be found, that his hon. friend, and those who were now of his opinion, would be as ready to clamour against the injustice of the British Government, as the Province in which he should be ordered to fix his residence, would be proud of paying the difference for the advantages of such residence. He had observed, with pain, that the hon. member had alluded to persons paid by the Province, who dashed about, cracking their whips, in fanciful vehicles in our streets.—To whom was this addressed?—Surely not to a liberal and enlightened House. The hon. member had been so candid as to say he did not address himself to the passions—Why then dwell upon this subject. In a word, he was not at all averse to a call of the House, but he certainly was averse to the reasons upon which the honorable member urged its expediency, and he felt persuaded, that a call of the House would be attended with a result the reverse of what the hon. member from Huntingdon proposed, as the good sense and meaning of the Province, could not be more clearly ascertained, than from the full convocation of all its representatives within those walls.

## MONDAY, MARCH 2.

On this day the following Message was transmitted to the House of Assembly by His Excellency the Governor in Chief, through Mr. Secretary Cochran :

The Governor in Chief informs the House of Assembly, that having transmitted their Address to His Royal Highness the Prince Regent, of the 25th day of February 1817, with their Proceedings against Louis Charles Foucher, Esquire, one of the Justices of the Court of King's Bench for the District of Montreal, he has it in command from His Royal Highness the Prince Regent, to signify to the House of Assembly the decision of His Royal Highness, that in this and in all similar cases of Impeachment by the Assembly, the adjudication of the Charges preferred against the Party accused, shall be left to the Legislative Council.

His Excellency has it also in command from His Royal Highness, to express to the Legislative Council the confident expectation of His Royal Highness, that they will so discharge the important duties which under this arrangement will devolve upon them, as to give complete satisfaction to all Classes of His Majesty's Subjects in this Province.

The Governor in Chief further informs the House of Assembly, that not having received from His Royal Highness any instructions as to the manner in which this his decision is to be carried into execution, he has been under the necessity of referring to His Royal Highness for his pleasure in this respect, and for such instructions as His Royal Highness may see fit to give thereupon, and he will not fail to communicate to the House of Assembly the Commands which he shall receive in this behalf from His Royal Highness, as soon after they shall be conveyed to him as may be practicable.

J. C. S.

Castle of St. Lewis, 2d March, 1818.

## FRIDAY, 6th MARCH, 1818.

Mr. Davidson from the Committees to which was referred the Petition of the Merchants of Montreal, acquainted the House, that in order to proceed upon the enquiry arising from the papers referred, it became necessary to ask some assistance from the

House, and he should in consequence apply that a Message be sent to the Legislative Council, to request that the Collector and Comptroller, who had been recently summoned to that body, should be permitted to appear before the Special Committee—*(After some conversation in the House Mr. D. altered the mode of obtaining the assistance wished.)*—He said the measure appeared at first sight like a reflection upon the general proceeding of the Custom House Officers; he however, individually had no cause of complaint, but, at the same time, he would never shrink from a Constitutional discharge of his public duty. The degree of humour manifested by the Mercantile Body in general, made some investigation absolutely necessary; for at a moment when the Fees were considered as greater than the Trade could afford, an additional Tariff, which would amount to a very considerable Tax, had been announced.

The proceedings at Jamaica had very naturally a considerable effect on the minds of the Merchants here, and led them to expect, that this House would proceed upon a question which very materially interests them; and it is but an act of justice that it should do so.—He said, that he had until this moment supposed, that the practice of fixing fees exercised by Commissioners in England, which had obtained, and as he imagined, without resistance or remonstrance for so many years, must be founded on something more than usage; it must, however, be admitted, that as far back as 1711, the Jamaica Legislature had exercised a right in the matter.

The object of the present enquiry would go to ascertain the table of Fees as it now stands, at Quebec and Montreal—by whom the amount of fees is regulated—and under what Statute those persons act—to establish the right will be very important, as it may prevent, perhaps, serious difficulty during the next session, and enable the House to take measures which will tend to redress any grievance that can be fairly proved to exist.

Mr. Davidson then moved, that an humble Address be presented to His Excellency the Governor in Chief, requesting that His Excellency will be pleased to direct the principal Officers of His Majesty's Customs in this Province, to lay before this House a Table of the Fees exacted at the Custom Houses at Quebec and Montreal, and that they do state by whom, or in virtue of what law or authority the said fees are regulated and established.—Agreed to unanimously.

## FRIDAY, MARCH 13.

The following Message was this day transmitted by His Excellency the Governor in Chief, to the House of Assembly :

The Governor in Chief calls the attention of the House of Assembly to the present state of the Court of King's Bench at Montreal, and to the delay of Public Justice both Civil and Criminal which will probably result therefrom: one of the Judges of the said Court having been directed to abstain from the exercise of his Judicial functions on account of the charges preferred against him:—another from conscientious motives declining to sit in certain very important Criminal Matters that come before that Court, and a third labouring under a grievous malady which will probably render it necessary for the Governor in Chief to comply with his request for leave of Absence to repair to England for the cure thereof; and the Governor in Chief recommends to the Assembly to consider the expediency of making such alteration in the Judicature Act, as shall enable him in the present instance, and generally whenever similar circumstances shall occur in future, to provide for the Administration of Public Justice, by the appointment of one or more Assistant Judges to carry on the business of the Courts, until the other Judges shall be enabled to resume the exercise of their functions.

Castle of St. Lewis, 13th March, 1818.

J. C. S.

## THURSDAY, 19th March, 1818.

*In Committee of the whole House on the Civil List.*

Mr. Taschereau—rose to say, that as it had already been determined that the Civil List should be assumed by the Province, it only now remained for the House to determine upon the sums to be appropriated for the several Public Departments in the Province, which, to enable the House to give them that ample consideration which the subject deserved, he would propose in regular succession as they stood on the Estimate which had been printed for the use of Members. He observed, that the Civil List proposed was nearly the same as that which for several years previous had existed in the Province. The Estimate was divided into fourteen heads, which he meant to propose as follows:

1. Salaries to Officers of Government not included under the head of any Department.
2. The Legislative Council and House of Assembly.
3. The Executive Council.
4. The Salaries of the Judges, and other expences attending the Administration of Justice.
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that a Message be sent to the Collector and presented to that body, by the Civil Committee—  
D. altered the mode and the measure applying general proceeding individually had no right to shrink from duty. The degree in general made it a moment at a moment when Trade could afford, very considerable

ally a considerable sum and led them to exert themselves which very justly was moment supposed, commissioners in England, without resistance, but founded on what could be admitted, that they had exercised a right

to ascertain the amount and Montreal—by under what Statute would be very important, during the next sum which will tend to exist.

Address be present, requesting that principal Officers of before this House Houses at Quebec or, in virtue of ed and established.

A.V. MARCH 13.  
Attd by His Excel-  
lency:

Assembly of the House of King's Bench at both Civil and Criminal Courts of Justice, from the exercise of the charge preferred motives declining others that come before him a grievous malady Governor in Chief to repair to England in Chief recom- munity of making enable him in the particular circumstances administration of Public Assistant Judges the other Judges for functions.

J. C. S.

1818.  
the Civil List.

already been determined by the Province, upon the sums departments in the them that ample would propose in which had been made, that the Civil for several years estimate was divided as follows:

included under the Assembly,

expenses attending

6. Divers Pensions.
7. Surveyor General's Department.
8. The Militia Staff and Contingencies.
9. Roads and Post Houses Officers.
10. Money for the relief of Insane Persons, Foundlings and Sick.
11. The Houses of Correction.
12. The Trinity House.
13. Expences of Collection.
14. Other Expences of Government, not included in the Accounts of any Department.

As a great part of the sum required for the Civil List was already provided for and appropriated by several Acts of the Legislature, he would have been disposed to have supplied the difference by voting a round sum, without entering into the Estimate in detail; but as he thought it fair to give every reasonable scope to canvas the Estimates which were before the House, he had made up his mind to take the sense of the House distinctly on each head.—He would therefore begin by the first chapter, namely, “The Salaries of Officers of Government not included under the head of any Department”—Under this head the Message of His Excellency the Governor in Chief, recommending an augmentation of Salary to his Civil Secretary, necessarily would deserve the attention of the House.—A sum in addition to that mentioned in the Civil List was recommended by His Excellency for the Civil Secretary, making his salary five hundred pounds currency, the same as given to the Clerks of the Legislative Council and the House of Assembly, as well as to the Clerk of the Executive Coucile.—The Civil Secretary at present had no more than £300 per annum, which certainly was not a compensation sufficient to induce any Gentleman of character and talents, to assume the responsibility of so important an office. As to the other items which composed the first head, he thought that Members would not find them objectionable.—He therefore moved, that a sum not exceeding £10,012 1s. sterling, be granted to His Majesty to pay the salaries of Officers of Government, included in the first head of the Estimate, for the year 1818.

Mr. Vandelson—observed, that he saw with displeasure, some items in the article of the Civil List which could not but meet with animadversion. The situation of Lieutenant Governor of Gaspé, for which the Province was called upon to vote the sum of Three hundred pounds sterling per annum, was in reality no more than a sinecure, as it was held by a person absent from the Province, and who, he believed, had never been in the Province for more than a few weeks. He did not, however, intend to insinuate that the Office was useless; on the contrary, the shamefully neglected state of the District of Gaspé rendered it highly expedient that an Officer, call him by what name you may, should reside in that District as an Agent or Superintendent of the Public Concerns in that quarter.—He thought it an imposition on the Province, that it should be charged with a salary for an Officer who was of no service to the Country, and he trusted, that if the salary were continued, His Majesty's Government would adopt speedy and effectual measures to compel Non-Residents to come and reside in the Province, so as to attend to the functions of their Office, or at least to resign, that they may be replaced by others who would do the duty. He however did not think it advisable to retrench any salary for the present year.—This he considered would be premature and unjust. It was no more than fair to leave every item of the Civil List in *satus quo*, for the present year, in the hopes, that Non-Residents might have time to be apprised of the risk to which they would be exposed in the event of their remaining absent from the Province for another year.—With respect to the Agent residing in London, said to be an Agent for this Province; he was at a loss to know from whom he held his Agency.—He surely was not the Agent of the Commons of Lower Canada who knew nothing about him, and who, if it was to name an Agent in England, would name some man of weight and influence in the British House of Commons, and would, if necessary, give him a handsome income for his Agency—not the paltry sum of two hundred pounds per annum.—He was indeed much surprised to find such an Office on the Civil List of this Province, and, in one word, he thought it a novel and *insulting charge*, and as such he would object to it.—He observed several other items which ought properly to belong to the Pension List, that they might die with the persons who occupied them, and not be entailed on the Province as a perpetual expence upon it.—The Contingencies relating to the Administration of Justice, he observed, was also a subject well deserving the attention of Members.—He had no idea of allowing any speculation to be made of the public monies, and he would repeat what he had on a former occasion observed with respect to the Contingent Expenses paid to the Law Officers of the Crown.—He did not think it right or decent that an Attorney General and a Solicitor General should both be paid for these services—One of these Gentlemen ought, as had here-

before been the case, to reside at Montreal.—He concluded by observing, that it was incumbent upon the House to keep a steady attention to the economy of the Public Money, and to let it be distinctly understood, that although they were not disposed to enter rashly upon an indiscriminate system of retrenchment for the present, yet that the Assembly would, at the ensuing Session, scrutinize the List with the utmost minuteness, and take especial care that not a half-penny should be paid to any person who might not have earned it.

Mr. Cuivillier—said, that the Hon. Member who spoke last had anticipated in a great measure the observations which he had intended to have made on the subject of the Civil List.—The Governor's salary was, he thought, enormous, and ought to be reduced, inasmuch as it was in part a remuneration for military services with which the Province had nothing to say.—Lord Dorchester had been content with one thousand pounds per annum.—His successor, Governor Prescott succeeded in getting it doubled to two thousand pounds. And Sir James Craig, more expert than either of his predecessors had contrived to have it increased to four thousand five hundred pounds per annum, and this among other memorable things the Province had to thank him for. The situation of Lieutenant Governor of Gaspé, and that of Agent for this Province, he thought equally useless and burdensome, and he was therefore resolved to withhold his consent to the payment of both these *sinecures*.—The latter he considered indeed as something worse than useless—it was in fact an affront to the Province, which had hitherto endeavoured to have an Agent in England, a measure, which from a mistaken policy, and for which it was easy to account, had been constantly and but too successfully opposed.—How then did it happen, that all at once the Commons of this Province were presented with an Agent at £200 per annum? Did Members know anything of this Agent?—Had the Commons of Lower Canada any participation in his appointment, or could they consistently with the respect due to themselves correspond with an individual whom they knew nothing but the name and the amount of his salary? The Agent of Lower Canada ought to be a person of rank and influence in England—could any Member on that floor, say who the Agent in question was?—He for one could inform them that their Agent was no more than an Understrapper in one of the Offices—he believed, in the Colonial Department—Was this a person suitable to represent the Province of Lower Canada? No! When the Commons of this Province should appoint an Agent, it would be one of some higher importance than a Subaltern in Office, and that Agent should be liberally paid by the Province. With respect to the salary of the Governor's Private Secretary, he thought it too small, as that office ought to be filled by a Person of respectability and talents.—He knew nothing of the Gentleman who now filled that office, but upon advertizing to the Message recently received from His Excellency the Governor in Chief, he could not but remark a circumstance that must strike Members—it was, that the amount recommended for his future salary was filled up in a hand writing different from that of the body of the Message,—in fact, he believed it had been filled up by the Secretary himself, who without leaving it to the Assembly to fix the quantum of his salary, had already taken upon himself to establish what it should be.—This he conceived to be improper,—the quantum should have been left to the liberality of the House.—With respect to the Inspector General of Accounts, he thought his situation and that of his Clerk useless, as it was the duty of those Members of the Executive Council, who received one hundred a year, to inspect the Public Accounts, to do that duty: but upon casting his eyes a few lines lower on the Civil List, he found, an item for a Committee of Audit of Public Accounts.—What was the meaning of this Committee? It is true there appeared to be no sum stipulated as salaries for the Councillors composing the Board of Audit—but will it always remain so?—Is the Province to pay an Inspector General of Provincial Accounts—A Committee of Audit of Public Accounts, and half a dozen Councillors for business which ought to be done by the Executive Council.—The thing was preposterous.—He would never consent to such manifest waste of the Public Money.—The salaries of this Committee of Audit remained blank, and he would vote that they should so remain.—As to the office of Naval Officer, he could acquaint Members, that it was of record in their own Journals, that it was altogether useless, and as such had in the year 1794, by a Message from the then Governor, been announced to the Legislature, as it did not answer the purpose originally intended, namely, a check upon the Custom House Officers (*here Mr. C. turned to the Journals, and read the Message to which he referred, Vol. 2, page 232.*) The Pension List, he said, ought not to be entailed upon the Province, as it had been formally intimated by Message from the Governor, Lord Dorchester, in the year 1795, to the House of Assembly, that as the Pensions were intended as a reward

for services rendered to the Empire, they should exclusively be paid by it. (Here Mr. C. read a part of the Message, which is as follows:—“The Pensions amounting to £1782 6 7 sterling, ‘‘ though chiefly granted for services rendered to Canada, — “ considered as rendered to the Empire at large. It is from thence “ therefore their reward with other acts of benevolence may be “ expected to flow.”)—These Pensions, although they had been exhibited yearly to the Legislature, on the Public Accounts of the Province, had in fact, been always paid from the military chest. This Province ought not, therefore, to be loaded with the Pension List.—Curiosity had induced him to look into Johnson's Dictionary for the meaning of the English word Pension, and if he were to rely upon the authority of that learned Englishman, the sense in which the word was received in England was odious in the extreme: “In England it is generally understood to mean ‘pay given to a traitor for treason to his country.’” He had also consulted the same author for the meaning of sinecure, which was defined to be, “an office which has revenue without any employment.” Was this Province disposed to tolerate such abuses, or would it not rather insist upon being altogether disincumbered of such an iniquitous list?—He was as well disposed as any Member in the House, to allow a liberal recompence to every Public Officer who had certain public duties to perform, but at the same time he thought it sufficient that they who were actively employed should be liberally compensated, without compensating those who did nothing at all.—The Pension List he would therefore wish to retrench totally and leave to be paid by Great Britain.—He could not on the present occasion pass over in silence the abuses which he found to have prevailed in the Custom House.—Notwithstanding the positive injunctions of the Laws of the Province the principal Officers of the Customs had taken a commission or percentage upon monies which had been paid into their hands for duties.—This was directly contrary to Acts of the Provincial Legislature.—To Acts which gave to the King a Duty for the support of the late war with America, and which never were intended to enrich the Custom House Officers at the expence of the Province.—In England the Custom House Officers were not entitled to fees, much less to a commission.—The 14th Geo. 3, C. 88, (an Act of the Imperial Parliament imposing certain duties for the support of the civil Government of the Provinces) does not allow any thing like a commission to the Collector or Comptroller upon which they have nevertheless exacted five per cent. The only Act allowing these Gentlemen a commission is the 33d of the King chapter 8th which gives them three per cent upon the monies levied under that act—every other act of the Legislature of this Province is either silent on the score of a commission to those Officers, (which he considered tantamount to a prohibition to exact any such) or else expressly prohibit them from deducting or receiving a commission.—The 33d of the King chapter 1st: and the 55th of the King chapter 5, are most explicit on the subject.—Formerly the collector received a salary of £100 per annum and the comptroller £70 per annum.—But it seems this would not answer the purpose, and on consulting the public accounts it would appear that they had found the commission a more lucrative speculation than the salary and accordingly abandoned the latter taking the former as an equivalent.—He cautioned Members to beware of the responsibility which they were about to assume.—The civil list was not the affair of a moment—it was to be permanent—they should remember that the very money which they were about to bestow upon Placemen and Pensioners might perhaps come from the Pockets of some unhappy parent of a starving family of infants.—That it was upon the toll of the husbandmen they were to feed a herd of indolent and supercilious functionaries, and that before one, was too well aware of the difficulty of earning a competency to squander away the public money upon a list of Hivilings.

Mr. Davidson—Observed, that the Salary allowed to the Governor in Chief of these Provinces, so far from being enormous was considered as extremely moderate, when the Salary granted to the King's Representative in other Colonies, particularly Jamaica were compared with it.—He thought it barely sufficient to enable the first Officer in the Colony to live with suitable dignity.—The Salary hitherto allowed to the Secretary was certainly not a recompence for the services required of him, what was £200 a year for a situation of trust, and one which required the exertion of no ordinary talents.—There could not be a doubt that it was two small a stipend to enable a gentleman to subsist upon.—He would undertake to assert, that the very Gentleman who spoke last, paid even the Clerk's in his own Counting House, a better salary than had hitherto been paid by the Province to the Private Secretary of the Governor in Chief.—Surely every man who devoted his time and services to public business ought to be as liberally paid by the

public, as by an individual.—The contingencies mentioned in the Civil List he said were susceptible of objection, and he would be among the foremost to insist upon a rigid economy of the public monies, but he at the same time felt that it was due to the Executive, to repose some confidence in its discretion, by leaving at its disposition the sums required. The evils which might be supposed to result from so doing, could not be very alarming, for if any improper use of the sums appropriated for contingencies were to take place this year, it would be in the power of the House hereafter to prevent a recurrence of it in future, by with-holding from the Executive any sum for contingencies which were not explicitly mentioned in the annual estimates.—Upon the whole, he thought it but fair to try the experiment.—He did not think with the Clinical Lexicographer, quoted by the Honorable Member who spoke last, that the sense of the word *Pension* was such as he supposed it to be in England.—He considered it as meaning a reward for services rendered to the State.—The clamour against the Officers of His Majesty's Customs, was, he could inform the House in the present instance unfounded.—These Gentlemen had not in fact taken upon themselves to deduct any commission upon monies levied by them.—They had invariably paid the gross amount of duties collected by them into the Provincial Chest, and the Commission, which had been subsequently refunded to them, had been sanctioned by the Executive Council as an equitable remuneration for their trouble.

Mr. Léveillé—Expressed his surprise at the apology offered by the Honorable Member who spoke last, in behalf of the Officers of His Majesty's Customs.—He had as yet to learn by what authority the Executive Council could suspend the operation of Acts of the Provincial Legislature.—The excuse offered by the Honorable Member went to involve the Executive Council in a very serious imputation, that of suspending the Laws of the Land, or at least of assisting individuals to evade them by a shift, so palpable that it could not for a moment be listened to with attention.—He thought the subject worthy of further enquiry.

Mr. Speaker went largely into the discussion of the Civil List.—He thought the objections to the amount of the Governor's Salary by no means substantial, as it was only from the independence with which the Chief Magistrate in the Colony could live that Persons of rank & character from England and totally above the little local intrigues and jealousies common to colonies could be induced to accept of so arduous a charge as the chief command in these Provinces.—He cited instances in which from the want of a suitable provision for former Governors, they had involved themselves in speculations degrading to themselves and degrading to the dignity of the Post.—Our Governors ought to be entire strangers to every party or local interest and jealousy, and to enable them to be so, it was requisite to make a liberal provision for the personage occupying the important Post of Governor in Chief of British North America.—The situation of the Civil Secretary to the Governor was also a post of no small importance, & must necessarily require the undivided attention of a person of more than ordinary talents and knowledge. That Office ought to be filled by a person of knowledge, of respectability and of talents, and withal well acquainted with the Colony and its interests, and studious of promoting its welfare; if these requirements were essentially necessary in the individual who might be charged with the duties of that office, it was no more than common justice to give a salary competent to induce persons of the character and description he had mentioned to devote themselves to an honest and upright discharge of its functions.—He thought the salary ought to be equivalent to that of the Clerks of the Council and Assembly.—He had no material objections to the salary of the Lieut. Governor, provided he should reside in the Province, as the head of the Executive Council, in order that instead of that vacillating policy which we find constantly agitating the Province a steady, honest and uniform system might be introduced and acted upon.—The situation of Lieut. Governor of Gaspé was useless to the Province, it was a sinecure, and he therefore wished to see it upon the Pension List, so that it might die with the individual who held it.—The place of Surveyor of Woods was in the like manner a sinecure and as such, ought to belong to the Pension List.—The Secretary of the Province ought to be compelled to reside in the Province or be immediately struck from the List altogether as a flagrant imposition.—It was indeed unfair and unjust to expect that the Province should pay so considerable a sum as £450 Sterling annually to a person totally a stranger to it, and in which

probably he was considered in the Inspectorate charge to trench it atop not suppress List, and he certain connexions could be with mons from his Commons proposed he must nade corresponde to time he in this Province to promote the public good—well disposed winked and a notoriously a present the sionally to t might very abouts grant be employed. He was final made upon to argument titled to an Suna require towards Min to make increase of o which we co shook his head.

Mr. Bon... which mem fruitless an the same po which was de dead the C—it had m... ber should more years present: t prevent an trikes, who gained.—C List was th that the soc tend to the waste of t apparent w nate in lump.

Mr. St... thought M... nions either frankl... ad mine the C... wished to much imp... counts had the Session until Men... ject.—In such vital Civil List to tell them compelle... all.—It w... find time ving that w... which mu... the Agenc... when did... surely ne... Commons

encies mentioned in his objection, and he in a rigid economy he felt that it was expedient in its discretion required. The evils so doing, could not be of the sums appropriate this year, it easier to prevent a from the Executive explicitly mentioned he thought it but took with the Clinical Member who spoke such as he supposed meaning a reward for the clamour against the he could inform the—These Gentlemen deduct any commission invariably paid into the Provincial been subsequently referred to the Executive Committee.

the apology offered it, in behalf of the had as yet to learn by would suspend the operation.—The excuse of involving the Executive that of suspending existing individuals to could not for a moment thought the subject

on of the Civil List—The Governors' Salaries on the independence Colony could live that and totally above the to colonies could be the chief command in from the want of a they had involved themselves and degrading to right to be entire strangers, and to enable general provision for the Governor in Chief of the Civil Secretary to importance, & must necessarily a person of more than ought to be filled by talents, and its interests, and requirements were essentially charged with the common justice to give a character and description to an honest and upright the salary ought to council and Assembly of the Lieut. Governor of the Province, as the instead of that vacillating the Province a step introduced and acted Gaspé was useless before wished to see it was in the like manner in the Pension List—compelled to reside in the List altogether as and unjust to expect a sum as £450 Sterling to it, and in which

probably he had never set his foot.—The Auditor of Patents he considered in the same light—He saw no necessity for a Clerk to the Inspector General of Accounts—it was a new and unnecessary charge to the Province and as such he was disposed to renounce it altogether—As for the Agent of the Province, he would not suppress his surprise at seeing such a situation on the Civil List, and he had room to suspect that the person in question had certain connections in this Province not so friendly to its interests as could be wished, and which were sufficient to deter the Commons from having any communication with him—Could even the Commons from the unconstitutional manner in which they supposed he must hold his agency from the Assembly of Lower-Canada correspond with him—The private instructions which from time to time he may receive from persons residing or connected with this Province it is much to be apprehended will be rather calculated to promote the personal advantage of a few individuals than the public good—Whatever his desire or intentions may be, however well disposed to be useful to the Province, he will often be hoodwinked and deceived.—The situation of French Translator was notoriously a sinecure, it formerly might have been useful but at present the utmost that was required from that Officer was occasionally to translate a Proclamation—He thought this sinecure might very properly be abolished, and the Sum of £25 or thereabouts granted by way of contingencies to any person who might be employed to translate Proclamations as occasion might require. He was finally of opinion that the retrenchments which might be made upon the Civil List would be sufficient to enable the House to augment the Salaries of certain Officers who were really entitled to an increase, without augmenting the gross amount of the Sum required for the current year.—[Mr. Speaker here turned towards Mr. Taschereau and asked whether it was not his intention to make these retrenchments as a measure preliminary to an increase of salaries to other officers—Some explanation followed which we could not hear—But we observed that Mr. Taschereau shook his head, as if answering in the negative.]

**Mr. Borgia**—Was of opinion, that the very ample discussion which members seemed disposed to enter upon, would prove fruitless and that after all had been said they would revert to the same point from whence they had started.—The Civil List which was now to be entailed upon the Province was not indeed the Civil List which the Province had asked for in 1810, —it had much accumulated in bulk but such as it was, Members should secure it, for it was certain that a delay of a few more years might again bring it back more weighty than at present: the House should profit by past experience, and to prevent an increase of the Civil List, it should not cavil upon trifles, when possession of such an important object was to be gained.—He had always been of opinion that the Civil List was the property of the Commons of Lower-Canada, and that the sooner they obtained possession of it the more it would tend to the interest of the Province.—He thought it a mere waste of time and talk to discuss the subject in detail with such apparent warmth; when he felt assured that they would terminate the discussion of the Civil List by swallowing it (*en gros*) in lump.

**Mr. Stuart**—Rose to say, that on a subject so important he thought Members ought not to be precipitate in forming opinions either one way or another,—as for himself he would frankly admit that as yet he had not sufficient time to examine the Civil List with the attention which he could have wished to bestow upon the subject.—It was a measure of too much importance to hurry through the house, and as the accounts had been sent to the house at a very advanced period of the Session, the Government must only wait with patience until Members could fully acquaint themselves with the subject.—In the event of their committing an error on a subject of such vital consequence to their constituents as a permanent Civil List of several thousands of pounds, it would be no excuse to tell them that the House was short of time, that it was compelled to hurry on business.—This would be no excuse at all.—It would rather be an affront to them.—The House must find time to do the public business.—He could not help observing that upon the estimate there appeared an appointment which must excite the amusement of the House.—He meant the Agent for the Province residing in London; by whom or when did this appointment take place? This appointment had surely never taken place with the advice or concurrence of the Commons of Lower-Canada, who had not long ago been told

by very high authority that they were not to have an Agent: how then were they to account for this extraordinary solicitude which appears to have existed some where to provide an Agent for the Commons of this Province without consulting them—It was to him a marvellous and unaccountable occurrence, that after several years unsuccessful endeavours to obtain the privilege of having an Agent in England, they were at a moment when they least expected it, blessed with the consummation of their wishes without any other trouble than that of paying him.—He would not for the present enter into the Civil List as amply as he could wish, but it appeared to him to contain items extremely objectionable—Among them he remarked the Audit of Accounts composed of Members of the Executive Council, which he said was entirely a new thing, and in his opinion quite unnecessary, as there is already an Inspector General of Accounts, whose duty it is to examine the Public Accounts.—He had never understood that the Gentleman to whom he alluded had been remiss in Inspecting the Accounts of the Province; on the contrary, he had heard many reflections upon the rigid punctilioseness with which he scrutinised the Accounts that came before him: if however it were necessary to investigate the public accounts with greater exactness than heretofore, it was the duty of the Executive Council or at least of those Members who were already paid for the purpose to do the duty in question; or if they could not spare time let them transfer the sum of £900, which they annually received, to pay the Gentlemen composing the *Audit of Accounts*.—He observed on casting his eye over the Civil List, that no sum was as yet assigned for the payment of the Audit of Accounts.—The sum remained at *et blank*, and if the merit of the intended Audit were to be the measure of their recompence, it would he believed for ever remain blank.—He did not see any plausible pretext for the creation of a board of Audit—in fact the House of Assembly was in future to be the Audit of all the public Accounts which without the assistance of the Inspector General of Accounts, would be quite competent to do the business with the assistance of the Council.—He observed two new charges on the list, one of £100 for the Clerk to the Inspector General of Accounts, and another of Assistant Clerk to the Executive Council of £182 10s Sterling.—The first of these charges he thought to say no worse of it was quite unnecessary, but with respect to the latter, he had no hesitation in pronouncing it to be a downright imposition upon the House, as it must have been upon His Excellency the Governor in Chief, who had been induced to consider it, of such importance as to put it into the Estimate.—He hoped Members would take a day or two to think of the Subject.—There were, in his opinion two modes of proceeding in the present instance; one, to appoint a Special Committee to examine the Civil List and report upon it,—This would enable Members to form a correct idea of the propriety of either granting the full amount of the estimate before the house, or of retrenching from it, if the estimate should be found overcharged.—If however the advanced period of the Session was such as to prevent the adoption of this method, he would be of opinion to vote a certain sum for the payment of the expenses for the present year, appointing at the same time a Committee to look into the appropriations, and report at an early period in the ensuing Session, the result of their enquiries in order that abuses if any such should be found to exist, might be thoroughly corrected, and the Civil List be settled by an Act of the Legislature.

**Mr. Taschereau** observed that members had wandered from the point at present before the House—They had not been content with confining themselves to the subject in question, but had entered largely into the discussion of items which from the course he adopted must necessarily come in their turn for discussion at a subsequent stage of his proceeding.—That the Hon. Member who spoke last expressed some dissatisfaction at two new places as mentioned in the civil list viz: Clerk to the Inspector of accounts and assistant Clerk to the Executive.—As to the first however, it would in some sense appear from the arguments of the Hon. Member that he partly approved of it in admitting that the person entrusted with the inspection of the public accounts punctiliosely performed

his duty—He (Mr. T.) even from the statement of the Hon. Member considered the duties of his office so arduous as in justice to entitle him to an assistant, so as to enable him to scrutinise with the minutest attention the public accounts, by which considerable sums might ultimately be saved to the Province—as to the place of assistant clerk to the Executive Council he intended to have mentioned in its turn that it was in fact a new office, but that as it had been put upon the estimate he was not disposed to trench it without making some previous enquiry as to the nature and responsibility of this office—Members had spoken amply on the charges contained in the first head of the civil list, but he would venture an observation on the objection made to the Agent—He had always considered an Agent in England as an appointment which might be of material service to the Province—It was indifferent who that Agent might be, provided he were useful to the Province—Let us try, (he observed) the person who is said to be our Agent at present, and if he serve us well, it will be fair to continue him, and legally constitute him the Agent of Lower Canada. Let us to-morrow appoint a Committee of Correspondence with him, as practised in other Colonies. The Province had, at the present moment, a very fair opportunity of trying his diligence—two Bills of the highest importance to its welfare are now pending for the Royal Sanction—The Bills for the Fire Assurance Companies of Quebec and Montreal—The Agent has in forwarding these Bills for the Royal Sanction, a very favorable opportunity of essentially serving the Province, by opposing the whole of its general interests against the private interests of a few sordid individuals, as well in Canada as in England, who by intrigue endeavour to prevent these Bills from passing into Laws—His diligence in this business will shew whether he be an earnest well-wisher of this Province, and devoted to its best interests, or whether he be a tool of a few intriguing and designing men here, and in England—There are now before the Legislature two other Bills,—those for the Incorporation of Banks at Quebec and Montreal, which most probably would be sent to England for the Royal Sanction—What he had said with respect to the Fire Assurance Bills, might, as far as the Agent was concerned, be said also of these Bills—He repeated, that the honesty and faithfulness of the Agent in question, and whose credit with the Commons of this Province must depend upon the punctuality with which he should dispatch their business, would be amply ascertained, by the attention he should bestow on these Bills which it would be his duty to attend to—For these reasons he was not disposed for the present, to retrench or cancel the appointment. Objections had been made with respect to certain non-residents paid by the Province, to which he did not intend to make an answer, for he indeed felt apprehensive that he could find no apology which in his own mind would be satisfactory—As they were paid by the Province, it had unquestionably a right to their services, of at least their residence in the colony—He hoped, however, that no cause of dissatisfaction on this score would subsist at the ensuing session, or at least that if the grievance of which Members complained should then remain, he would willingly acquiesce with the House in any constitutional measure tending to remove the evil—Complaints had been made against *Sinecures*, and Members were inclined to place them on the Pension List, in order that they might sit with the persons who held them—This he acknowledged might be desirable, but he begged of Members to consider, that there were certain evils inherent in all Governments, which cannot be removed but with time—He conceived the complaints were not groundless, and that they might properly be made the subject of a representation to Government, but it was indispensably necessary to afford time for the Government of the Colony to communicate with Ministers on the subject, and, in the mean time, he thought it important most with the liberality of the House to vote a sufficient sum to cover the expences for the present year.

The House adjourned the question at a very late hour until the next day.

FRIDAY, 27th MARCH, 1818.

Mr. Guyz said, that feeling himself not perfectly acquainted with this branch of political economy, he had preferred maintaining silence, since the commencement of the debates on this question. He had been desirous of seeing those who were universally considered as capable of discussing the question, open the way. It was enough for him to come into the engagement with the rear guard, and there maintain his ground. He had heard the arguments on either side, and necessarily felt himself more able to form an opinion on a question which he considered as highly important to the interests and to the honour of the Province. If he had not thoroughly acquainted himself with the knowledge requisite for a financier, he hoped at least that he was sufficiently acquainted with the history of nations, to know that one of the first characteristic

traits of a free people, was not only to contribute with resignation, but even with pleasure, to such public charges as are indispensable; but the expedience of submitting to this obligation, which springs from the social compact of society, must be made manifest, and this he conceived ought to be the preliminary subject of the deliberation of the House. He was of opinion, that the Government, in giving the Civil List of the Province to the Commons, did no more than an act of justice. It was an acknowledgment of the rights of the people, and such as the Province, from the attachment shewn by the Canadian people during the late war, had a right to expect. In 1810, the offer to pay the Civil List had been made by the Commons of this Province, but the narrow policy of the Government of that day, was not disposed to adopt the measure; the system was now totally altered, and he was happy in seeing that Great Britain had at length opened her eyes to the true interests of this Colony. We no longer (said he) bear the minions of the administration talk of the merit of the Mother Country, in paying the expense of protecting us. We shall no longer be disengaged with the impudent assertion that Great Britain ought to sell us to the United States. A happy period opens to our view, and the ties of reciprocal interest, will connect us more closely than ever with Great Britain. But, it would be asked, if the Civil List ought to be accepted with all its imperfections? He thought it ought; although he had never doubted the right of the Commons in superintending the application of the public monies. From this moment it would be the duty of every Member to attend with the most scrupulous exactness to the Civil List; but he was also of opinion, that it would be prudent to shut their eyes upon the past, as otherwise, reflections might be the result, which could be of no possible benefit. It would be much better to adopt speedy measures to prevent, in future, abuses in the appropriation of public monies, than to investigate those that were past. For instance, the succession or inheritance of sinecures, ought to be cut short, by converting them into pensions. The latter die with the individuals, but the former are often the patrimony of intrigue. It was known to every one, that no sooner does a sinecurist fall dangerously ill, than petitions, dated *en blanc*, pour in on the Civil Secretary from all sides. The Government was necessarily compelled to yield to the importunities of the multitude, and thus the parasite tribe of *sinecurists* were perpetuated. In converting into pensions such sinecures as were susceptible of such a transmutation, public merit would be recompensed, without augmenting beyond measure the public expense. The advanced period of the Session, was, in some respects, a reason sufficient to induce the House to vote the sum demanded, without diminution, for the present year. He hoped, however, that the Public Accounts would not, in the next Session, be kept back so unaccountably as they had been this Session, in order that Members might have the necessary time to effect such alterations and reductions, as circumstances might require. He anticipated with satisfaction, the success of the measure before the House. The possession of the Civil List was, in his opinion, a pledge against the augmentation of taxes, otherwise than in the exact proportion of the progress of industry and public prosperity; and in returning to his constituents, he would cordially felicitate them on the flourishing state of the Province, and on the certainty entertained by the Legislature, that direct taxes would never be a necessary measure for the maintenance of the Civil Government in Canada; an advantage which few people could boast of, as, on the contrary, the emigration from Europe was occasioned by the enormous weight of taxes under which the nations laboured, and which, in all probability, they were doomed to groan under for ages to come.

Mr. Cuvillier—Had been of opinion yesterday, that His Excellency's Secretary was fairly entitled to an augmentation of salary, adequate to the responsibility of his trust. It however had since occurred to him, that the Gentleman in question had already the advantage of several places of emolument. He was Deputy Judge of the Court of Vice Admiralty. He was Clerk in the Frerogative Court. He was Deputy Judge Advocate. These situations surely must afford him a handsome salary. If, however, his pay was to be augmented as Secretary, it was to be hoped he would be satisfied with that Office alone. He thought the duties of a single Office sufficient for any one person, and to do justice to an Office of the importance of that in question, the undivided attention of its occupant was indispensably requisite.

Mr. Davidson observed, that the accumulation of Offices which the Hon. Member for Huntingdon had noticed, ought, in his opinion, to influence the House in granting the proposed augmentation of salary to the Civil Secretary. It might be very legitimately presumed that these places had been given to that Gentleman as a compensation for the mediocrity of his salary as Secretary, and he was right in retaining them until more ample provision were made for the principal office which he occupied. As for the situation of Deputy Judge of the Vice Admiralty, he thought the reflection unfair. He felt himself justified in the assertion

that his performance was laudable; that the therefore ought to be advanced; and that the subject unique.

Mr. Viger was of opinion that the Session was to be advanced; and that the Bill of Attainder should afford a precedent.

Mr. Vanfelson, the Civil List, which it contained, behaved the same fully of the abuses which were present, to expose which were numerous. He was upon the French Tract, which he was upon the stand; but he in retrieving events at the last moment.

Mr. Pantin, Secretary, what his opinion was of the motives for

N. B. That of the House when the

Mr. Taswell, Address of the Chief, represented taken into the subject. Province of Thousal Shillings a pence of 1818, exclusive of the part from receiving the List Revenue. The Session for the purpose of the order that he dredged and secured the river, now are, of course, of the His Excellency's next Session.

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Mr. Cuthbertson had already made an earnest application to the Minister of the Interior. He was in the Admiralty in London, and had enquired of the Court of Admiralty, concerning the case, of h

ibute with resignation, charges as are indispensable to this obligation, which must be made man-

preliminary subject of opinion, that the Province to the Committee was an acknowledgment of the Province, from time during the late war, pay the Civil List had, but the narrow policy disposed to adopt the same, and he was happy in her eyes to the true (he) bear the minions of the Mother Country,

'We shall no longer be great Britain ought to be open to our view, and opens to us more closely than asked, if the Civil List sum? He thought it right of the Commons public monies. From member to attend with list; but he was also at their eyes upon the result, which could be better to adopt speedy appropriation of public past. For instance, ought to be cut short, or die with the indignity of intrigue. It is a sinecure full dangerous on in the Civil was necessarily constituted, and thus the diminution, for the Public Accounts so unaccountably as members might have reductions, as circumstances with satisfaction, the possession of the augmentation of the progress of his constituents by the Legislature, for the main advantage which the emigration from the emigration from the emigration under probability, they

ay, that His Excellency's representation of salary, however had since been made by the was Deputy Judge in the Prerogative. These situations however, his pay hoped he would be the duties of a simple do justice to an undivided attention.

on of Offices which had, ought, in his proposed augmentation be very legitimate to that Gentleman salary as Secretary ample provision occupied. As for Admiralty, he thought in the assertion

that his performance of the duties of that office, were purely gratuitous; that he had undertaken them to oblige a friend, and therefore ought not to be reflected upon. With respect to other abuses which had been alluded to, he admitted that they might, at a future Session, be the proper subject of discussion, but that the advanced period of the present Session, was such as to preclude the possibility of their being able to bestow that attention which the subject unquestionably deserved.

Mr. Viger spoke at very considerable length on the subject, and was of opinion that the Civil List required scrutiny; but that the Session was too far advanced to enter upon so interesting a topic with any prospect of coming to a definitive adjustment. Mr. V. deprecated the idea of voting a sum in lump, for the different departments. He maintained it to be unconstitutional, and that it would afford a most dangerous precedent. He would specify in the Bill of Appropriation, the exact sum which every functionary should receive.

Mr. Vanfelson was of opinion, that the House ought to adopt the Civil List as it stood, notwithstanding the many imperfections which it contained, and which were universally acknowledged. It behoved the Province to get fairly possession of it. This point once fully obtained, a period no doubt would arrive, when those abuses which called loudly and imperiously for redress, would be amply discussed and remedied. He thought it needless for the present, to enter into the iniquitous items of the Civil List. They were numerous; for instance, could any one acquainted with the *carte des pays*, help acknowledging the inutility of the situation of French Translator. He set aside altogether those scandalous reflections which the bare mention of that situation must suggest. He was upon the whole disposed to adopt the Civil list, as it now stood; but he would, in the ensuing Session, most heartily concur in retrenching what could not but be considered by their constituents at the height of imposition.

Mr. Panet—entered largely into the Establishment of the Secretariat, which he could not but consider as overgrown—He was of opinion that it ought to be reduced—and expatiated upon what he conceived to be the indisputable and constitutional motives for adopting the mode of proceeding.

N. B. The Debates upon the Civil List occupied the attention of the House from the 26th until the 31st of March inclusively, when the Resolution of the latter day terminated the business.

31ST MARCH, 1818.

Mr. Taschereau moved, seconded by Mr. Bellet, that an humble Address be presented to His Excellency the Governor in Chief, representing to His Excellency, that the House having taken into consideration His Excellency's recommendation on the subject of the Expences of the Civil Government of this Province for the year 1818, have voted a sum not exceeding Forty Thousand Two Hundred and Sixty-three Pounds, Eight Shillings and nine Pence currency, towards defraying the Expences of the Civil Government of this Province for the year 1818, exclusive of the sums already appropriated by Law.—But that the peculiar circumstances which have prevented the House from receiving at an earlier moment the Estimate of the Civil List Revenue and Public Accounts, and the advanced state of the Session not admitting the passing of a Bill of Appropriation for the purpose, they pray, His Excellency will be pleased to order that the said Sum not exceeding forty thousand two hundred and sixty-three pounds eight shillings and nine pence currency, be taken out of any of the unappropriated monies, which now are, or hereafter may be, in the hands of the Receiver General of this Province, for the purposes aforesaid; and assuring His Excellency, that this House will make good the same at the next Session of the Provincial Parliament.

After some debate, it was resolved accordingly.

Yea 16—Nays 2.

Mr. Cuvillier,—stated, that he rose to move in a measure which had already been found of sufficient moment to engage the most earnest attention of the House, and which, as far as he had been able to judge, had been considered by the public at large, as a matter of the greatest importance, to the upright administration of Justice. He meant the enquiry concerning the Court of Vice Admiralty in this Province. In the course of the enquiry, he had been reproached, by an honorable member, with having instituted the present enquiry in the absence of the Gentleman who presided in the Court of Vice Admiralty, but he availed himself of the present occasion, to rekindle members, that he had given notice in the last Session, of his intention to institute the present enquiry, which, he

trusted, had been fairly and temperately conducted. He, therefore could not be accused of having acted with precipitancy, after having given a year's notice, and he had reason to believe, that the Gentleman in question, must have been apprised of his intention. It was from the same liberal principles by which he then acted, that he was now induced to give a similar notice of his determination upon the result of the enquiry which had taken place before a Committee of the whole house. He did not wish to act precipitately, nor to take advantage of an absentee.—He only desired, and he ardently desired, to correct those abuses, which appeared to have become intolerable. The whole of the testimony upon which he intended to rely, was now in print, and members would have time coolly to reflect upon the subject between this and the ensuing Session;—Mr. Cuvillier then proposed to resolve, "that the advanced period of the Session of the Provincial Parliament, does not permit the house to take into consideration, the report of the General Committee to which it was referred to enquire into the state of the administration of justice in the Court of Vice Admiralty, & that the consideration of the same be resumed in the ensuing Session."

It was accordingly unanimously resolved as above.

Mr. Cuvillier then gave notice, that in the course of the ensuing Session, he would propose certain Resolutions, which he read in his place, and are in substance.

1. That the Judge of the Vice Admiralty was also a Judge in the King's Bench.
2. That the union of these offices in the same person was dangerous, incompatible and unconstitutional.
3. That fees had been exacted by the Judge in the Vice Admiralty.
4. That to exact fees for a Judge was derogatory to the dignity of the Crown, illegal and contrary to the spirit of the Constitution of the Province.
5. That much public discontent existed by reason of the exacting of those fees.
6. That the Surrogation of other persons, being Advocates and Attorneys, to act as Judges in the absence of the Judge of the Vice Admiralty was wrong and illegal.
7. That an Address be presented to the Governor in Chief, praying him to adopt measures in order that the two important offices of Judge of the King's Bench and Judge in the Vice Admiralty in this Province be no longer vested in the same person.
8. That a denial of Justice to Mr. John Goudie of Quebec, had been incurred by the Court of Vice Admiralty in this Province.
9. That the Commons do Impeach for these.

Mr. Cuvillier—then gave notice that he will, in the ensuing session, move to institute an enquiry into the conduct of the Officers of the Customs, as relates to the Charge of Commission on the Duties raised in virtue of Acts of the Provincial Parliament, and also on the Act of the 14th Geo. III. chap. 88,

Mr. Taschereau—rose to give notice that he would early in the ensuing Session propose an enquiry into the manner in which the Act of the Provincial Parliament of the 36 Geo. III. ch. 10, intituled "An Act for regulating Persons who hire or engage to perform voyages to the Indian Country or to winter there" is executed, and what were the results of the said Act.—As an impartial Representative of the People of Lower Canada, he thought himself obliged to institute an enquiry upon a subject which deeply concerned the individuals who were employed in the trade of the Indian Territories under this Act.—The result of the enquiry he proposed, would apprehended tend to prove that there was no reciprocity of interests or of obligations between the masters and the servants.—That the whole advantage lay with the former while the latter were not only frequently wronged but were entirely unprotected against the tyranny exercised against them under colour of the Act alluded to.—He proposed in fact to develop the system upon which the trade in the North West Country was carried on by certain Fur traders to the detriment and ruin of the unfortunate people employed in their service, whose demoralizing effects were so sensibly felt in this Province.

The Act above mentioned had enabled the persons to whom he alluded to monopolize the trade to the Indian Territories to the utter exclusion of all others His Majesty's Canadian Subjects.—He believed the result of the proposed enquiry would tend to a conviction of the necessity of the repeal or modification of that Act, and of a strong representation to His Majesty's Ministers on the subject of the trade in question, to induce them to adopt immediate and effectual measures to prevent the evils arising from the state of affairs in the Indian Countries.

WEDNESDAY, 1st April, 1818.

The House of Assembly met pursuant to adjournment at the Castle of St. Lewis, and a Message was received, requiring its presence in the Legislative Council Chamber, then also assembled at the Castle. The House having gone up, His Excellency the Governor in-Chief was pleased to give the Royal Assent to the following Bills:

An Act to authorize Jean Thomas Taschereau, Esquire, and others therein mentioned, to erect a Toll Bridge over the River Etchemins, in the Parish of St. Clair, in the County of Dorchester.

An Act to authorize William Hall, Esquire, to build a Toll Bridge over the River Etchemins, at the Lower Ford, in the Parish of St. Henry, in the County of Dorchester.

An Act to amend an Act passed in the 46th year of His Majesty's reign, intituled, "An Act to repeal an Ordinance made and passed in the 25th year of His Majesty's reign, intituled, "An Ordinance to prevent the exportation of an merchantable Flour, and the false taring of Bread and Flour Casks, to regulate the packing and inspection of Flour and Indian Meal, and to provide for the ascertaining the quality of Biscuit in future."

An Act to grant to the Religious Ladies, *Hospitalières*, of the Hotel Dieu of Quebec, a certain sum of money, for the purposes therein mentioned.

An Act to authorize Walter Davidson, Esquire, to erect a Toll Bridge over the River Chaudière, below the Great Falls of the said River.

An Act to extend the provisions of an Act therein mentioned, and to grant a certain sum of money more effectually to provide for the relief of infirm and insane persons, and for the support of foundlings.

An Act to ratify and confirm the Provisional Articles of Agreement entered into by the respective Commissioners of this Province and of Upper-Canada, at Montreal, on the 31st day of May, 1817, relative to Duties, and for carrying the same into effect.

An Act to authorize François Verrault, Esquire, to build a Toll Bridge over the River Etchemins, in the Parish of Saint Henry, near the Church of the said Parish.

An Act to authorize François Verrault, Esquire, to build a Toll Bridge over the River Chaudière, in the Parish of St. Marie de la Nouvelle Beauce, near the Church of the said Parish, in the County of Dorchester.

An Act to authorize William Hall, Esquire, to build a Toll Bridge over the Great Branch of the River St. François, near the line of separation between the Townships of Dodswell and Westbury, in the County of Buckinghamshire.

An Act to authorize Claude Denéchaud, Esquire, and Joseph Fraser, Esquire, to erect a Toll Bridge over the River du Sud, in the Parish of St. François, in the County of Hertford.

An Act for making and maintaining a navigable Canal from at or near the Town of St. Johns, upon the River Sorel or Richelieu, through the Barony of Longueil and Seigniory of Chambly, to terminate at the Basin of Chambly.

An Act to establish a House of Industry in the City of Montreal.

An Act to amend an Act passed in the 57th year of His Majesty's reign, intituled, "An Act to provide temporary Houses of Correction in the several Districts of this Province, and for other purposes."

An Act to provide more effectually for the security of the Cities of Quebec and Montreal, by establishing a Watch and Night Lights in the said Cities, and for other purposes.

An Act to facilitate the Trials of Controverted Elections, or Returns of Members to serve in the House of Assembly.

An Act to appropriate a certain sum of money therein mentioned, for making repairs to the Court House in the City of Montreal.

An Act to authorize the Justices of the Peace for the District of Montreal, to lay out and open a new Street in the City of Montreal, upon a Lot of Ground in the possession of George Lepauleur, and to obviate certain inconveniences therein mentioned.

An Act for the encouragement of Agriculture in this Province, An Act to provide for the Police of certain Boroughs and Villages.

An Act to authorize the appointment of Commissioners, for the improvement of the communication by water with Upper-Canada.

An Act for making a temporary provision for the regulation of Trade between this Province and the United States of America, by land or by inland navigation.

An Act to grant a certain sum of money, for the purpose of repairing the Common Gaol of the District of Quebec.

An Act to extend the provisions of an Act passed in the 34th year of His Majesty's reign, intituled, "An Act for the division of the Province of Lower-Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned," and to provide more effectually for the administration of justice in this Province."

The following were reserved for the signification of His Majesty's pleasure.

An Act to repeal and amend certain parts of an Act passed in the 34th year of His Majesty's reign, intituled, "An Act for the division of the Province of Lower-Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned," in as much as the same relates to Writs of *Habemus Corpus*.

An Act for the encouragement and promotion of Education in the Country Parishes of this Province.

An Act for the establishment of a Bank in the City of Montreal, in the Province of Lower-Canada.

The Session was then closed with the following Speech:

*Gentlemen of the Legislative Council,  
Gentlemen of the House of Assembly,*

The assiduity with which you have applied yourselves to the public business brought before you, puts it now in my power to close this protracted Session, and to enable you to return to your families and homes.

I should feel myself, however, wanting in justice, were I to dismiss you without assuring you of the satisfaction with which I have viewed the harmony that has marked your proceedings, and the laborious diligence with which they have been conducted; and for these eminent proofs of your zeal and patriotism, I have to offer you my warmest acknowledgments.

*Gentlemen of the House of Assembly,*

To you my thanks are particularly due, for the ready liberality with which you have granted the supplies for the current year; and I trust you will not doubt that in the application of the monies you have placed at my disposal, I will be guided by a due regard to economy.

*Gentlemen of the Legislative Council,  
Gentlemen of the House of Assembly,*

The measures you have adopted during the Session, are valuable evidences to me of your regard to the welfare of the Province, and of your attachment to the Government under which you live; and in taking my leave of you now, I feel a confident hope, that in your respective districts, you will yourselves continue to be actuated by the same good principles which have thus influenced your public conduct, and that your best exertions will not be wanting, to instil them equally into all around you.

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